

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue the following

DECISION

PROMULGATING THE ACT ON THE RECOGNITION OF FOREIGN EDUCATIONAL QUALIFICATIONS

I hereby promulgate the Act on the Recognition of Foreign Educational Qualifications, adopted by the Croatian Parliament at its session on 25 September 2003.

Number: 01-081-03-3248/2

Zagreb, 1 October 2003

The President of the Republic of Croatia
Stjepan Mesić, m.p.

Act

On The Recognition Of Foreign Educational Qualifications

I GENERAL PROVISIONS

Article 1

This Act shall regulate the recognition of foreign educational qualifications and periods of study.

Article 2

The terms with the following meaning shall be used in this Act:

- *Foreign educational qualification* - refers to - foreign higher education qualifications, and foreign school certificates, diplomas and other public documents of completed primary and secondary education.

- *Recognition* - refers to the formal acknowledgement of the value of a foreign educational qualification and periods of study respectively, issued by a competent authority for the purpose of enabling access to education and/or employment.

- *Professional recognition* - refers to the recognition of the equal legal validity of a foreign higher education qualification and the corresponding domestic higher education qualification, enabling employment and access to further education in the Republic of Croatia.

- *Academic recognition* - refers to the equivalence of foreign higher education qualifications with the corresponding domestic higher education qualifications for the purpose of obtaining the right to pursue education in the Republic of Croatia.

- *Recognition of periods of study* - refers to the recognition of periods of study spent at a foreign higher education institution, for the purpose of completing higher education in the Republic of Croatia.

- *Higher education qualification* - refers to any degree, diploma or other certificate issued by a competent authority and attesting the successful completion of a higher education programme.

- *National ENIC/NARIC Office* - is an Information Centre on Academic Mobility and Recognition of Higher Education Qualifications, member of the European Network of National Information Centres on Academic Mobility and Recognition and the National Academic Recognition Information Centre.

- *Assessment* - refers to the process for establishing the quality of an individual's foreign educational qualification, which is given by a competent authority in written form on the basis of transparent, coherent and reliable criteria established by the National ENIC/NARIC Office.

Article 3

Croatian nationals, foreign nationals and stateless persons shall be entitled to the recognition of foreign educational qualifications. Foreign nationals and stateless persons shall be entitled to the recognition of foreign educational qualifications if they make probable the interest in bringing an action for its recognition in the Republic of Croatia.

The condition regarding the interest in bringing an action set out in paragraph 2 of this Article shall not be applied to persons with the status of a refugee or displaced person.

The provision of paragraph 3 of this Article shall also be applied to children of foreign diplomats accredited in the Republic of Croatia, in so far as the recognition of foreign educational qualification is needed for continuing education in Croatian educational institutions.

The persons referred to in paragraph 3 of this Article shall be exempt from paying expenses for the recognition procedure.

Article 4

The procedure of recognition of foreign educational qualification shall be initiated at the request of the Party and conducted on the basis of evidence and information about the qualification for which recognition is sought.

The application for the recognition of a foreign educational qualification shall contain:

- the original foreign educational qualification or a certified copy,
- a certified translation of the foreign educational qualification,
- evidence of the periods of study completed or of the exams passed,
- evidence of nationality, refugee or displaced person status, that is, of the fact referred to in Article 3 paragraph 4 of this Act.

The application referred to in paragraph 1 of this Article shall be granted or refused by a decision.

The explanation of the decision to refuse the application referred to in paragraph 1 of this Article shall contain the reasons for refusing recognition and, when the circumstances of the case permit, instructions on measures that can be taken by the applicant in order to eliminate existing obstacles for recognition, such as taking additional exams or writing additional papers.

Article 5

The provisions of the General Administrative Procedure Act shall apply in the procedure of recognition of foreign educational qualifications, unless otherwise provided by this Act.

II RECOGNITION OF FOREIGN SCHOOL CERTIFICATES

Article 6

Recognition of foreign school certificates of completed primary and secondary education, parts of that education and forms of professional qualification and training for certain activities and professions shall be carried out by the Ministry of Education and Sports.

Article 7

An application for the recognition of foreign qualifications of completed primary or secondary education, parts of that education and forms of professional qualification and training for certain activities and professions shall be submitted to the Ministry of Education and Sports. If the profession acquired by the foreign school qualification does not exist in the Republic of Croatia, an equivalent professional title of a similar profession shall be recognized by the recognition of the foreign school certificate of completed secondary education, parts of that education and forms of professional qualification and training.

Article 8

An appeal shall not be permitted against the decision on recognition of foreign school certificates of completed primary and secondary education, parts of that education and forms of professional qualification and training for certain activities and professions, but an administrative dispute may be instituted.

III RECOGNITION OF FOREIGN HIGHER EDUCATION QUALIFICATIONS

Article 9

Professional and academic recognition of foreign higher education qualifications shall be performed by the Agency for Science and Higher Education on the basis of prior assessment of the qualification for which recognition is sought and the recommendation from the National ENIC/NARIC Office.

The assessment referred to in paragraph 1 of this Article shall be performed by the expert bodies of the public university, polytechnic or schools of higher education specified by the Statute, on the basis of the instruction from the National ENIC/NARIC Office.

By way of derogation from paragraph 2 of this Article, the assessment referred to in paragraph 1 of this Article shall also be performed by the expert bodies of private higher education institutions, on the basis of the instruction from the National ENIC/NARIC Office, but only for the purpose of academic recognition.

Once executed, the positive assessment of a certain foreign higher education qualification shall not be subject to another assessment, but shall be applicable to all future cases of recognition of the same higher education qualifications.

Article 10

Provisions of this Act shall apply in the procedure of recognition of the periods of study, unless a prior agreement exists between, on the one hand, a higher education institution or a competent authority responsible for the relevant period of study, and, on the other hand, a higher education institution or a competent authority responsible for the recognition that is sought, and if the higher education institution in which the period of study has been completed, issues a certificate or transcript of academic grades, attesting that the student successfully completed the prescribed requirements for that period of study.

In the case referred to in paragraph 1 of this Article, the application for the recognition of periods of study is to be submitted to the institution in which one wishes to pursue higher education.

IV PROCEDURE OF RECOGNITION OF FOREIGN HIGHER EDUCATION QUALIFICATIONS

Article 11

The application for the recognition of foreign higher education qualifications shall be submitted to the National ENIC/NARIC Office.

The National ENIC/NARIC Office shall, within eight days from an orderly receipt of the application, issue an instruction forwarding the higher education qualification to be assessed by the body referred to in Article 9, paragraph 2 or 3 of this Act (hereinafter referred to as: competent expert body).

In case of a previous positive assessment of the same higher education qualification, the National ENIC/NARIC Office shall forward the same to the Agency for Science and Higher Education within eight days from an orderly receipt of the application.

The instruction referred to in paragraph 2 of this Article shall contain information on the higher education institution and the programme according to which the higher education qualification for which recognition is sought has been acquired as well as the criteria for assessment of the foreign higher education qualification.

Article 12

In the procedure of assessment of the foreign higher education qualification, solely the level of knowledge and skills acquired by the qualification shall be taken into consideration, without comparing the curricula.

The competent expert body must supply the National ENIC/NARIC Office with the assessment of the higher education qualification within sixty days from the day of receiving the instruction referred to in Article 11, paragraph 2 of this Act.

In the event of missing the deadline referred to in paragraph 2 of this Article it shall be deemed that the competent expert body delivered a positive assessment of the foreign higher education qualification.

In the case referred to in paragraph 3 of this Article, the National ENIC/NARIC Office shall request from the competent expert body a report on the reasons for missing the deadline referred to in paragraph 2 of this Article.

Article 13

Within eight days from receiving the assessment from the competent expert body, the National ENIC /NARIC Office shall forward the same to the Agency for Science and Higher Education.

Along with the assessment, the National ENIC/NARIC Office shall also forward a recommendation for the recognition of the foreign higher education qualification to the Agency for Science and Higher Education.

The recommendation referred to in paragraph 2 of this Article shall contain specific information about the higher education institution, that is, the programme on the basis of which the foreign higher education qualification has been acquired, the opinion on the assessment of the foreign higher education qualification carried out by the competent expert body, and the opinion about the need for its recognition or non-recognition.

Article 14

The Agency for Science and Higher Education shall decide on the recognition of the foreign higher education qualification within eight days from the day of receiving the documentation referred to in Article 13 of this Act.

Article 15

The Party shall have the right to appeal against the decision on the recognition of the foreign higher education qualification.

The ministry competent for higher education activities shall decide upon the appeal referred to in paragraph 1 of this Article.

When deciding on the appeal referred to in paragraph 1 of this Article, the ministry competent for higher education activities may change the decision on the recognition of the foreign higher education qualification and decide to resolve the matter itself only if the application was refused by a decision contrary to the recommendation of the National ENIC/NARIC Office.

Article 16

The competent authority for the recognition of foreign higher education qualifications shall submit to the National ENIC/NARIC Office the original and a copy of the decision along with a copy of the documentation on the procedure completed, no later than a month from the day of the adoption of the decision

V TRANSITIONAL AND FINAL PROVISIONS

Article 17

The competent authority for the recognition of a foreign higher education qualification shall keep records and documentation on the procedures completed.

The content and manner of keeping records referred to in paragraph 1 of this Article shall be prescribed by the minister competent for activities of higher education, that is, the minister competent for activities of primary and secondary education.

Article 18

The amount of fees to be paid for the expenses of the recognition procedure, the manner in which the fees are to be distributed, exemption from paying fees and other matters relating to the expenses of the procedure shall be prescribed by the minister competent for activities of higher education, that is, the minister competent for activities of primary and secondary education.

Article 19

School certificates, diplomas and other public documents of education issued until 8 October 1991 in the educational institutions on the territory of ex SFRY, shall have equal legal force

as school certificates, diplomas and other public documents of educational institutions in the Republic of Croatia and shall not be subject to the recognition procedure.

Article 20

The Government of the Republic of Croatia shall establish the National ENIC/NARIC Office on the basis of a Regulation within two months from the day of entry into force of this Act.

The Ordinance referred to in Article 17 paragraph 2 and Article 18 of this Act shall be issued by the competent minister within a period of two months from the day of entry into force of this Act.

Article 21

Procedures for the recognition of a foreign higher education qualification initiated before the application of this Act begins shall be completed according to regulations in force at the moment of submitting the application.

Article 22

The ministry competent for activities of primary, secondary and higher education respectively, shall monitor the application of the provisions of this Act.

The legality of work of the Agency for Science and Higher Education shall be supervised in accordance with the Scientific Activity and Higher Education Act.

Article 23

On the day this Act enters into force, the Act on the Recognition of Foreign School Certificates and University Diplomas (Official Gazette, 57/96 and 21/00) shall cease to be valid.

Article 24

This Act shall enter into force on the eighth day following its publication in the Official Gazette, and shall apply from 1 January 2004.

Class: 605/01/03-01/03

Zagreb, 25 September 2003

THE CROATIAN PARLIAMENT
The President of the Croatian Parliament
Zlatko Tomčić, m.p.