

COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

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LAW

of 11 September 2018

**on quality assurance in higher education and change
and supplementing Act No 343/2015 on public procurement and amending
and supplements to certain acts, as amended**

The National Council of the Slovak Republic has adopted the following Act:

Art. I

**FIRST PART
BASIC PROVISIONS**

§ 1

Subject matter of the Act

This Act governs the internal quality assurance system of higher education (hereinafter referred to as “the internal system”) and its verification, establishment and status of the Slovak Accreditation Agency for Higher Education (hereinafter referred to as “the Agency”) and its conduct, the granting of accreditation of the study programme and the granting of accreditation of the habilitation procedure and the procedure for the appointment of professors (hereinafter referred to as the “inaugural procedure”).

§ 2

Definitions

For the purposes of this Act,

- a) by standards for the internal system, a set of requirements for the internal system and the way it is implemented,
- b) standards for the study programme set of requirements, the fulfilment of which is conditional upon the award of study programme accreditation,
- c) standards for habilitation and inauguration procedures a set of requirements the fulfilment of which is conditional on the granting of the accreditation of the habilitation procedure and the inauguration procedure;
- d) the methodology for evaluating standards, a set of procedures, criteria and indicators by which, through the working groups of the Agency’s Executive Board (hereinafter referred to as the ‘Working Group’) and the Agency’s staff, the fulfilment of the standards and measures to ensure compliance of the internal system or its implementation with the standards for the internal system (hereinafter referred to as ‘corrective action’) is assessed;
- e) by accrediting the study programme, the authorisation to carry out the study programme and to award the corresponding academic degree to its graduates,

- f) by accrediting habilitation and inauguration proceedings, authorisation to conduct habilitation and inaugural proceedings in the field of habilitation and inauguration proceedings,
- g) by modifying the study programme, adding or deleting compulsory subjects or compulsory optional subjects, changing the conditions for proper completion of studies or modifying the information sheet of a compulsory subject or mandatory optional subject, except for updating the teacher, recommended literature or subject evaluation.

§ 3

Internal system

(1) The university ensures the quality of the higher education provided by the implementation of its internal system and its continuous development.

(2) The internal system regulates the way in which the higher education institution's mission in the field of higher education is fulfilled by

- a) strategies for ensuring the quality of higher education and the quality of research, development, artistic or other creative activities (hereinafter referred to as 'creative activity') of a university;
- b) quality assurance processes for higher education and the quality of creative activities;
- c) links between creative activity and higher education in the relevant field of study.

(3) The internal system regulates the rules

- a) the establishment, approval, implementation and modification of each study programme which
 1. ensure that the field of knowledge is taken into account according to the relevant field of study or the combination of fields of study in which graduates receive higher education;
 2. regulate the competence of the bodies of the higher education institution or its faculty when approving the study programme;
 3. ensure the participation of students' representatives, employers from the relevant economic sector and other stakeholders in the design and modification of the study programme;
 4. ensure the definition of the knowledge, skills and competences to be acquired by a graduate in a course of study (hereinafter referred to as 'higher education outcomes') corresponding to the relevant level of the National Qualifications Framework;
 5. ensure that the standards for the study programme are met,
- b) selection of teaching subjects of study programmes;
- c) the admission procedure;
- d) the approval of the final thesis managers and the final thesis trainers,
- e) the assessment of students so as not to give rise to unjustified differences in similar cases;
- f) monitoring and regular evaluation of study programmes, involving students, employers from the relevant economic sector and other stakeholders; this monitoring and evaluation shall take into account:
 1. application of the latest knowledge in the content of study programmes,
 2. effectiveness of student evaluation criteria and rules;
 3. higher education outcomes achieved;
 4. student questionnaires on the quality of teaching and questionnaires on teachers;
 5. applicability of graduates;
- g) examination of complaints by which
 1. the student seeks the protection of his or her rights or legally protected interests which he considers to have been violated by an activity or inactivity of a higher education institution, a part of a college or a staff member of a higher education institution; or
 2. the student points to specific shortcomings in the activity or inactivity of the higher education institution, the part of the college or the staff of the higher education institution, in particular the violation of legislation

- or of the internal regulations of the higher education institution or part thereof;
- h) the pursuit of the creative activity of the higher education institution and the participation of students in it and the requirements for the level and extent of the higher education institution's creative activity, taking into account its mission;
 - i) cooperation with specialised teaching facilities for practical instruction and the means of verifying their performance,
 - j) cooperation with external educational institutions involved in the implementation of the third-level study programme, where the higher education institution carries out a third-level study programme in cooperation with an external educational institution or wishes to carry it out in cooperation with an external educational institution;
 - k) determining the requirements for the selection of higher education teachers;
 - l) ensuring the professional development of higher education teachers, researchers and higher education arts staff;
 - m) verification of sufficient spatial, material, technical, information and personnel provision for the implementation of study programmes,
 - n) the collection, analysis and use of information necessary for the effective implementation of the study programme,
 - o) regular publication of up-to-date, adequate and qualitative information on study programmes and their graduates;
 - p) according to the needs of the higher education institution, in addition to the rules referred to in points (a) to (o).

PART TWO AGENCY

§ 4

(1) The Agency is established as an independent public-law institution that carries out external quality assurance activities in higher education. The Agency is a legal person with its registered office in Bratislava.

(2) Agency

- a) decides on
 1. the compliance of the internal system and its implementation with the standards for the internal system,
 2. awarding or non-accreditation of a study programme,
 3. the granting of accreditation, non-granting or withdrawal of habilitation and inauguration procedures,
 4. the imposition of a corrective measure;
 5. the suspension of the procedure for an application for authorisation to act as a private higher education institution (hereinafter referred to as "State consent");
 6. objection of bias to the proposal of the composition of the working group;
- b) provides to the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter referred to as the "Ministry of Education")
 1. a statement on the request for State consent;
 2. incentives to adjust standards,
 3. comments on the proposals concerning higher education;
- c) keeps a list
 1. assessors from which the Executive Board of the Agency ('Executive Board') shall constitute working groups;
 2. legal entities that are members of the European Association for Quality Assurance in Higher Education or are registered in the European Quality Assurance Register for Higher Education and their evaluation

reports for the purpose of assessing the compliance of the internal system and its implementation with the internal system standards ('internal system assessment') shall be automatically recognised by the Agency,

- d) supervise compliance with standards;
- e) issued by
 - 1. standards,
 - 2. methodology for evaluating standards,
 - 3. the principles for inclusion on the list of assessors, which govern, in particular, the procedure for inclusion in the list of assessors and the requirements for inclusion in the list of assessors;
- f) carries out enrolment in the register of study fields and the register of study programmes;
- g) develops
 - 1. a proposal for a schedule of fees for acts of the Agency (hereinafter referred to as "the fee scale") and a proposal to amend it,
 - 2. an analysis of the development of the higher education system in the Slovak Republic, including an analysis of internal evaluation reports relating to internal systems,
 - 3. the annual activity and management report of the Agency;
- h) publishes on its website
 - 1. standards and methodology for the evaluation of standards,
 - 2. the Agency's internal rules;
 - 3. schedule of fees,
 - 4. models for applications pursuant to Section 21(1)(a) and (b) and the internal assessment report, including the form and manner of service;
 - 5. information on the opening of proceedings pursuant to Section 21(1);
 - 6. complete applications pursuant to Section 21(1)(a) and (b);
 - 7. the evaluation reports of the working groups after discussion in the Executive Board;
 - 8. the basis for the decision or for the Agency's statement and for the statement of the Agency's Opposition Assessment Panel (hereinafter referred to as the 'Appellate Board'),
 - 9. decisions of the Agency and the Agency's observations on applications pursuant to Section 21(1)(b);
 - 10. the statements of the Board of Appeal pursuant to Section 22(2);
 - 11. resolutions of the bodies of the Agency;
- i) carries out business activities pursuant to Section 20(7).

(3) The Agency is obliged to

- a) request an assessment of its activities at least every five years from the European Association for Quality Assurance in Higher Education;
- b) ensure the demonstrably professional development of its staff, members of its bodies and assessors within the scope of the Agency's competences;
- c) publish the draft principles for listing, delisting and working groups on its website for at least 30 days, evaluate the comments received during this period and publish their evaluation together with the agreed text of the Principles;
- d) publish the draft fee schedule and the proposal to amend it on its website for at least 30 days, evaluate the comments received during this period and submit them together with the proposal to the Ministry of Education;
- e) inform the Ministry of Education and the HEIs without delay of any proposal it publishes on its website;
- f) to deposit the approved annual accounts and the annual activity and management report of the Agency in the public part of the register of accounts; the annual report on the activities and^{management} of the Agency by 30 June.

§ 5
Bodies of the Agency

The bodies of the Agency shall be:

- a) Chairman of the Executive Board,
- b) Vice-Chairman of the Executive Board,
- c) the Executive Board,
- d) the Appeals Board,
- e) controller,
- f) head of the office.

§ 6
Chairman of the Executive Board and Vice-Chair of the Executive Board

(1) The Chairperson of the Executive Board shall be the statutory body of the Agency. The Chairperson of the Executive Board shall direct, act on behalf of the Agency and represent it externally. The Chairperson of the Executive Board shall be represented in his/her absence by the Vice-Chair of the Executive Board. 2 3 4 as a member of the Executive Board, until the appointment of the new Chairperson of the Executive Board, the Vice-Chair of the Executive Board shall perform the full functions of the Chairperson of the Executive Board.

(5) If the vice-chairman of the Executive Board ceases to hold office before the expiry of his term of office as a member of the Executive Board and the office of President of the Executive Board is not filled, until the expiry of the original term of office of the Vice-President of the Executive Board, the full role of the Chairperson of the Executive Board shall be performed by the member of the Executive Board authorised by the Minister for Education.

(6) The Deputy Chairperson of the Executive Board may resign without resigning from the Executive Board. The resignation of the Chairperson of the Executive Board is also a waiver of membership of the Executive Board.

Executive Board

§ 7

(1) The Executive Board shall have nine members, including the Chairperson of the Executive Board and the Deputy Chairperson of the Executive Board. The members of the Executive Board shall be appointed and dismissed by the Minister for Education. The Minister of Education appoints two members on a proposal from the Council of Higher Education and two members on a proposal from the Slovak Rectors Conference from persons who are internationally recognised experts in their field of activity, two members on a proposal from the Student Council of Higher Education and two members on a proposal from employers' representatives; the ninth member shall be the Chairperson of the Executive Board.

(2) The Council of Higher Education, the Slovak Rector's Conference and the Student Council of Higher

2The Chairman of the Executive Board and the Vice-Chairman of the Executive Board shall be appointed and dismissed by the Minister for Education, Science, Research and Sport of the Slovak Republic (hereinafter referred to as the Minister for Education). The Chairman of the Executive Board shall be appointed by the Minister for Education on the basis of the results of the selection procedure. The Deputy Chairperson of the Executive Board shall be appointed by the Minister for Education on a proposal from the Chairperson of the Executive Board from among the members of the Executive Board. The Minister for Education shall appoint the Chairman of the Executive Board within 30 days of the publication of the results of the selection procedure.

3A candidate for the post of Chairman of the Executive Board must comply with the requirements of Section 7(5).

4If the Chairperson of the Executive Board ceases to hold office before the end of his term of office

Education make every two proposals with a justification. The justification shall be published by the Ministry of Education on its website.

(3) A proposal submitted by the Council of Higher Education or a proposal submitted by the Slovak Rector's Conference may be rejected by the Minister for Education and request a new proposal only if the proposed candidate does not meet the conditions under paragraph 5. A proposal submitted by the Student Council of Higher Education may be rejected by the Minister for Education and request a new proposal only if the proposed candidate does not meet the conditions under paragraph 6.

(4) Proposals for the members of the Executive Board for employers' representatives shall be made by:

- a) representative employers' associations,²⁾
- b) professional organisations established by law,
- c) Slovak Academy of Sciences,
- d) legal entities to which the Ministry of Education has issued a certificate of competence to carry out research and development³⁾ (in addition to universities and organisations of the Slovak Academy of Sciences,
- e) State-recognised churches and religious societies.

(5) A natural person may be appointed as a member of the Executive Board appointed on a proposal from the Council of Higher Education, the Slovak Rectors Conference and employers' representatives

- a) it is of good repute,
- b) has full legal capacity;
- c) has a third-level university degree; and
- d) has been active at the time of the nomination or has been active for at least the previous 15 years;
 1. five years as a professor at a university based in the territory of the Slovak Republic,
 2. five years as a professor or equivalent in a university established outside the territory of the Slovak Republic,
 3. five years as a researcher with the scientific rank of "Doctor of Science",
 4. five years as a senior researcher in a professional, scientific or artistic institution abroad;
 5. ten years as an independent artistic worker in a professional, scientific or artistic institution abroad;
 6. ten years as an academic employee of a university established outside the territory of the Slovak Republic, or
 7. ten years in the management of a legal person.

(6) A natural person who fulfils the conditions under paragraph 5 may be appointed as one member of the Executive Board appointed on a proposal from the Student Council of Higher Education. A natural person may be appointed as a second member appointed on a proposal from the Student Council of Higher Education

- a) it is of good repute,
- b) has full legal capacity; and
- c) he has a first-level university degree.

(7) Nominations for members of the Executive Board other than the candidate for the Executive Board shall be submitted to the Minister for Education within a time limit set by him, which shall not be less than 45 days from the publication of the call for proposals on the website of the Ministry of Education. The Minister for Education shall appoint the members of the Executive Board within 30 days of the expiry of that period.

(8) If a sufficient number of proposals are not submitted or if, for objective reasons, it is not possible to appoint a member of the Executive Board, in particular if the proposed candidate does not meet the conditions laid down in paragraph 5 or paragraph 6, the Minister for Education shall invite the entities concerned to submit further proposals within 10 days of the publication of the call on the website of the Ministry of Education. If a sufficient number of proposals are not made or if, for objective reasons, it is not possible to appoint a member of the Executive Board even after the expiry of that period, the Minister for Education shall appoint the relevant

number of members of the Executive Board without proposals from persons meeting the conditions laid down in paragraph 5.

(9) The term of office of a member of the Executive Board shall be six years. The same person may serve no more than two terms of office as a member of the Executive Board. A member of the Executive Board may not be appointed as a member of the Appeals Board for the following four years after the termination of his duties. Upon cessation of membership of the Executive Board, propose to the Minister for Education the appointment of a new member on whose proposal a previous member of the Executive Board has been or should have been appointed; this shall not apply in the case of the Chairperson of the Executive Board.

(10) Executive Board

- a) takes decisions pursuant to Section 4(2)(a);
- b) accept statements pursuant to Section 4(2)(b);
- c) approves the proposal
 1. the standards and a proposal for their amendment by the Chairperson of the Executive Board,
 2. the methodology for evaluating the standards and a proposal for its amendment submitted by the Chairman of the Executive Board;
 3. the fee schedule and the proposal for amendments to it before it is submitted for approval to the Ministry of Education,
 4. the Agency's budget,
 5. the financial statements;
 6. distribution of profit or settlement of profit or loss;
 7. the Agency's annual activity and management report;
- d) approve the Agency's internal rules and amendments thereto, with the exception of the Rules of Procedure of the Appeals Board, including
 1. the Statutes of the Agency, on a proposal from the Chairperson of the Executive Board,
 2. the Agency's establishment plan;
 3. the Rules of Procedure of the Executive Board,
 4. arrangements for conflicts of interest of members of the Agency's collective bodies, members of working groups and staff of the Agency;
 5. the internal quality assurance system for the Agency's activities;
 6. principles for listing, delisting and working groups;
 7. the Agency's management rules and business conduct rules;
- e) includes persons on the list of assessors and removes them from the list;
- f) supervise compliance with the Agency's internal quality assurance system;
- g) methodologically guides, directs and coordinates the work of the working groups;
- h) it may set up permanent or temporary advisory bodies,
- i) perform other tasks under this Act or the Agency's internal regulations.

§ 8

(1) For the purpose of examining a specific application or examining an initiative of the Agency, the Executive Board shall set up working groups from persons included in the list of assessors, except in the case referred to in Section 24(6); the Chairperson and the members of the Working Group shall be appointed and removed by the Chairperson of the Executive Board with the prior consent of the Executive Board. The Executive Board may also set up a working group to verify the measures taken by the university if their verification by the Agency's staff is not sufficient.

(2) At least one student shall be appointed by the Chairperson of the Executive Board to each working group;

this shall not apply in the case of granting or withdrawing the accreditation of the habilitation procedure and the inauguration procedure. If a working group member ceases to be a student and is a working group of which only that person has been appointed as a student, the Chairman of the Executive Board

- a) appoint another student without delay to the working group;
- b) may remove the member concerned, on a proposal from the chairperson of the working group concerned, without the agreement of the Executive Board; and
- c) notify changes in the composition of the working group according to points (a) and (b) of the university.

(3) The type of proceedings shall be taken into account when setting up a working group. Where the Agency assesses the internal system, the working group shall be set up taking into account the fields of study in which the university conducts the study programmes. Where the Agency decides on the accreditation of a study programme, the relevant study programme shall be taken into account when setting up a working group. Where the Agency decides on the accreditation of the habilitation procedure and the inauguration procedure, the study field referred to in the request for accreditation of the habilitation procedure and the inauguration procedure shall also be taken into account when setting up the working group. Where the Agency decides on the accreditation of a third level study programme or on the accreditation of habilitation and inauguration procedures, the chairman of the Executive Board shall appoint at least one foreign assessor to the working group.

(4) The draft composition of the working group shall be communicated to the party by the President of the Executive Board.

A party to proceedings may, within five working days of the date on which the composition of the working party is notified to him, lodge a reasoned objection of bias against a member of the working group; this shall not apply in the case of a post-appointed member of the working group referred to in paragraph 2(a). If the Executive Board considers the objection of bias to be justified, the Chairperson of the Executive Board shall appoint a new member of the working group instead of the excluded member.

(5) A person may be included in the list of assessors for six years with his or her written consent, including repeatedly. The assessor may be removed from the list of assessors before the expiry of the period for which it was registered, at his request or at the initiative of the Agency.

(6) A member of the Executive Board, a member of the Board of Appeal, a controller and a head of office may not be included in the list of assessors. The Agency shall remove from the list of assessors the assessor who has been appointed as a member of the Executive Board, a member of the Board of Appeal, a controller or head of office.

§ 9

Board of Appeals

(1) The Board of Appeal shall review the procedures of the Executive Board and working groups on the basis of objections lodged by a party to the proceedings on decisions or statements of the Executive Board.

(2) The Board of Appeal shall have five members and two alternates appointed and dismissed by the Minister for Education. The members of the Board of Appeal shall be appointed by the Minister for Education on the basis of the results of the selection procedure; he shall appoint as alternates the first two unsuccessful candidates who have fulfilled the requirements and criteria for filling the post of member of the Appeals Board in accordance with paragraph 6. The Minister for Education shall appoint the members of the Appeals Board within 60 days of the publication of the results of the selection procedure.

(3) The term of office of a member of the Appeals Board shall be four years. The same person may serve no more than two terms of office as a member of the Board of Appeal.

(4) A natural person may be appointed as a member of the Board of Appeal who is of good repute and has full legal capacity.

(5) In the case of three members of the Board of Appeal, in addition to the conditions laid down in paragraph 4, the appointment shall be subject to

- a) higher education in the field of law; if he has obtained a university degree at first and subsequently at second level, he is required to have obtained a course of study in law at both levels; and
- b) professional experience of at least five years in law.

(6) In the case of two other members of the Board of Appeal and alternates, in addition to the conditions laid down in paragraph 4, appointment shall be subject to a minimum of five years' service.

- a) as a professor or associate professor at a university established in the territory of the Slovak Republic, or
- b) as a professor or associate professor at a university established outside the territory of the Slovak Republic or in a similar capacity.

(7) A member of the Board of Appeal shall be replaced by an alternate if he has been excluded from the proceedings by reason of bias or otherwise, if the statutes of the Agency so provide; the alternate shall have the full status of member of the Appeals Board.

(8) The Rules of Procedure of the Board of Appeal shall be approved by the Board of Appeal after the Executive Board has previously given its opinion.

PARAGRAPH 10 **Controller**

(1) The Controller shall be appointed by the Minister for Education on the basis of the results of the selection procedure and dismissed by the Minister for Education.

(2) Controller

- a) oversee the Agency's management;
- b) comment on the Agency's annual activity and management report prior to its submission to the Executive Board; if the Controller does not comment on the draft annual activity and management report of the Agency within the time limit specified in the Statutes of the Agency, the Executive Board may approve it without the Controller's opinion;
- c) comment on the accounts before their submission to the Executive Board; if the Controller does not comment on the draft accounts within the time limit specified in the Statutes of the Agency, the Executive Board may approve them without the Controller's opinion,
- d) make suggestions to the President of the Executive Board to remedy the shortcomings identified;
- e) perform other tasks under this Act or the Agency's internal regulations.

(3) A natural person may be appointed as controller who:

- a) it is of good repute,
- b) has full legal capacity;
- c) has at least a university degree of second degree; and
- d) has at least five years' management experience in a juridical person.

(4) The term of office of the Controller shall be four years. The same person may be appointed as controller for up to two consecutive terms of office.

(5) The Controller has the right to

- a) request information and explanations from the members of the Executive Board, the Head of Office and the Agency's staff on all matters of the Agency, except for the Agency's actions pursuant to Sections 21 to 33; and
- b) consult all accounting records and other documents of the Agency.

§ 11

Head of the office

(1) The Head of the Office shall be appointed and dismissed by the Chairperson of the Executive Board.

The Head of the Office shall be appointed by the Chairperson of the Executive Board on the basis of the results of the selection procedure, within 30 days of their publication.

(2) Head of the office

- a) ensure the proper functioning of the Agency, including administrative, technical, spatial and staffing,
- b) manage the Agency's office to the extent determined by the Chairperson of the Executive Board;
- c) making a proposal to the Executive Board
 - 1. the Agency's budget,
 - 2. distribution of profit or settlement of profit or loss;
- d) submit to the Controller and to the Executive Board the draft accounts and the draft annual activity and management report of the Agency; for the deliberations of the Executive Board, submit it with the opinion of the Controller;
- e) perform other tasks determined by the Agency's statute or by any other internal regulation of the Agency.

(3) A natural person may be appointed as head of office who:

- a) it is of good repute,
- b) has full legal capacity;
- c) has at least a university degree of second degree; and
- d) has at least five years' management experience in a juridical person.

(4) Where the Agency does not have a head of office, his duties shall be exercised until the appointment of a new head of office by a member of the Agency authorised by the Chairman of the Executive Board.

Common provisions on the Agency's bodies and the Working Party

§ 12

(1) The Executive Board and the Board of Appeal shall adopt their conclusions by means of resolutions only at their meeting; in the case of the creation of a working party, a resolution may also be adopted outside the meeting. A meeting may also be held by videoconference or by other means of information and communication technology without the physical presence of members of the Executive Board or of the Appeals Board. A resolution of the Executive Board shall be adopted if at least seven members of the Executive Board vote in favour of its adoption. The decision of the Appeals Board shall be adopted if its adoption is voted by a majority of all the members of the Board of Appeal. Failure by the Executive Board to adopt a resolution in the accreditation procedure shall entail the non-granting of the relevant accreditation. Failure of the Board of Appeal to adopt a resolution shall entail confirmation of the decision or confirmation of the Agency's statement.

(2) A member of the Executive Board, a member of the Board of Appeal, a controller and a member of a working group shall act independently in the proceedings and shall not be bound by the instructions of the person who has proposed him or her to be appointed to the post.

§ 13

(1) The functions of member of the Executive Board, the function of member of the Board of Appeal, the function of controller and the function of head of office shall be incompatible with that of

- a) the Rector and the Vice-Rector; this also applies in the case of the person entrusted with the duties of rector;
- b) the statutory body of a private university;
- c) a member of the board of directors of a public higher education institution or a member of the board of directors of a private higher education institution;
- d) a member of the Scientific Council of the College, the Arts Council of the College or the Scientific and Arts Council of the Higher School (hereinafter referred to as "the Scientific Council of the College") or the

Scientific Council of the Faculty, the Arts Council of the faculty or the Scientific and Arts Council of the faculty (hereinafter referred to as “the Scientific Council of the Faculty”),

- e) Dean and Vice-Dean; this is also the case in the case of a dean;
- f) head of the college;
- g) the Quaestor or the faculty’s secretary,
- h) head of a university employee, head of a faculty’s staff,
- i) the President of the Slovak Republic,
- j) a Member of the National Council of the Slovak Republic, a Member of the European Parliament, a Member of the Self-governing Region, a Member of the Municipal Council or a Member of a local the council,
- k) Member of the Government of the Slovak Republic (hereinafter referred to as “the Government”),
- l) State Secretary,
- m) the Secretary-General of the Service Office,
- n) the President of the Self-governing Region, the Mayor of the Municipality or the Mayor of the Municipality,
- o) the chairman, head or director of the central government or government body;
- p) a prosecutor, judge or judge of the Constitutional Court of the Slovak Republic, or
- q) the President of the Slovak Academy of Sciences or a member of its Bureau.

(2) The function of Chairman of the Executive Board, the function of Vice-Chairman of the Executive Board, the function of member of the Board of Appeal pursuant to Section 9(5) and the function of Head of Office is incompatible with an employment relationship with a university established in the territory of the Slovak Republic or with another employment relationship with a university established in the territory of the Slovak Republic.

(3) The function of member of the Executive Board shall be incompatible with that of member of the Board of Appeal, the function of controller and the function of head of office. The duties of a member of the Board of Appeal shall be incompatible with the duties of controller and head of office. The post of head of office is incompatible with that of controller.

(4) Where a natural person is to become a member of the Executive Board, a member of the Board of Appeal, a controller or a head of office and performs a function or activity incompatible with that function, he or she shall cease at the latest on the date of his appointment. A member of the Executive Board, a member of the Board of Appeal, the Controller and the Head of Registry shall be required to notify in writing, within 30 days of his appointment, that he fulfils the conditions for incompatibility of his duties. A member of the Executive Board, a member of the Board of Appeal and the Controller shall deliver written notice to the Minister for Education, the Head of the Office to the President of the Executive Board.

§ 14

(1) A special provision shall apply to the selection procedure for the appointment of the chairperson of the Executive Board, the functions of controller, the function of head of office and the functions of a member of the Board of Appeal,⁵⁶⁾ subject to paragraphs 2 to 8 and Articles 9 and 11.

(2) Selection procedure for the post

- a) the Chairman of the Executive Board is declared by the Ministry of Education no later than 90 days before

⁵If the duties of Chairman of the Executive Board, Controller or Member of the Appeals Board end before the end of his term of office, the selection procedure shall be opened within 30 days of the termination of that function.

⁶Selection board for the selection procedure for appointments

the President of the Executive Board shall be appointed by the Minister for Education; one member on a proposal from the High Council

the expiry of the term of office of the Chairman of the Executive Board,

- b) a member of the Board of Appeal shall be declared by the Ministry of Education no later than 90 days before the expiry of the term of office of a member of the Board of Appeal;
- c) the inspector is declared by the Ministry of Education no later than 90 days before the expiry of the term of office of the controller,
- d) the Head of the Office shall be declared by the Chairperson of the Executive Board no later than one month after the termination of his duties as Head of Office.

schools, one member on a proposal from the Slovak Rectors Conference, one member on a proposal from the Student Council of Higher Education, one member on the proposal of a representative association of employers and one member without proposal,

- b) a member of the Appeals Board shall be appointed by the Minister for Education; one member on a proposal from the Council of Higher Education, one member on a proposal from the Slovak Rectors Conference and one member on a proposal from the Student Council of Higher Education,
- c) the Controller shall be appointed by the Minister for Education; one member on a proposal from the Council of Higher Education, one member on a proposal from the Slovak Rectors Conference and one member on a proposal from the Student Council of Higher Education,
- d) the Head of the Office shall be appointed by the Chairperson of the Executive Board.

(5) A proposal for the appointment of a natural person as a member of the Executive Board or as a member of the Board of Appeal may be made only with his or her prior written consent.

(6) An application for a competition to fill the functions of Chairman of the Executive Board, Controller, Head of Office or Member of the Appeals Board shall be accompanied by

- a) structured CV;
- b) a document proving the achievement of the required higher education qualifications;
- c) a declaration on honour of compliance with the condition of professional experience, specifying the person with whom he/she practiced;
- d) a declaration on honour of compliance with the conditions laid down in Section 13(1) to (3);
- e) the Agency's management and development project in the case of an applicant as Chairman of the Executive Board;
- f) other documents referred to in the notice of invitation to tender.

(7) The selection procedure for the appointment of the Chairperson of the Executive Board shall include a public hearing of candidates presenting the Agency's management and development project. A candidate who satisfies the requirements of Section 7(5) and whose application contains annexes pursuant to paragraph 6 shall be invited to a public hearing by the Ministry of Education at least seven days before the start of the hearing, indicating the date, place and hours of the public hearing.

(8) Publish the outcome of the selection procedure on its website within ten days of the end of the competition;

the Ministry of Education, in the case of the Chairman of the Executive Board, the Controller and a member of the Board of Appeal, (b) the Agency in the case of the Head of the Office.

§ 15

(1) The member of the Executive Board and the Head of the Office shall be employed by the Agency; the Chairperson of the Executive Board, the Vice-Chairman of the Executive Board and the Head of the Office for the weekly working time laid down, with the other members of the Executive Board, may also agree part-time in the employment contract.

(2) The employment of a member of the Executive Board and a Head of Office with the Agency shall arise from the date which he was designated as the date of entry into office if, at the time of appointment, he was not

a member of staff of the Agency.

§ 16

(1) The duties of member of the Executive Board, of a member of the Board of Appeal, of the controller and of the Head of Office shall cease to exist.

- a) the expiry of the term of office; this shall not apply in the case of the Chairperson of the Executive Board who, on expiry of his term of office, performs that post until the appointment of a new Chairperson of the Executive Board or of a Head of Office;
- b) by the end of the calendar month in which written notification of resignation was received by the Minister for Education or, in the case of a head of office, to the President of the Executive Board, unless the notification indicates a later date of resignation; the Minister for Education shall notify the Executive Board without delay;
- c) the date of the appeal,
- d) appointment to a post which is incompatible with the duties in question;
- e) loss of good repute,
- f) the force of res judicata of the court's decision to limit legal capacity which are necessary for the performance of the duties in question; or
- g) death or declaration as dead.

(2) The Minister for Education may dismiss a member of the Executive Board on a proposal from the Executive Board or the Controller if the competent authority finds that a member of the Executive Board has infringed the legislation or internal rules of the Agency in connection with the performance of his duties. The Executive Board may dismiss the Head of Office if it finds that, in connection with the performance of his duties, he or she has infringed the legislation or internal rules of the Agency. The Minister for Education may dismiss a member of the Board of Appeal or the Controller if he finds that, in connection with the performance of his duties, he has infringed the legislation or internal rules of the Agency.

(3) If the term of office of a member of the Executive Board, a member of the Board of Appeal or a Controller ends before its normal expiry, the term of office of the newly appointed member or controller shall end on the date on which the previous member or controller's term of office should have ended; this shall not apply in the case of the Chairperson of the Executive Board.

(4) For the purposes of this Act, a person who has not been convicted by a final judgment for an intentional offence and a person whose conviction has been destroyed shall be considered to be of good repute.

(5) Good repute shall be demonstrated by an extract from the criminal record. A person who has resided for more than 90 days for six consecutive months outside the territory of the Member States of the European Union for the last three years shall also file an extract from the criminal record of the State in which he resided during that period. If the competent authorities of third countries do not issue such a document, an extract from the criminal record of that State shall be replaced by a similar document issued by the competent authority not more than three months old.

(6) In order to prove good repute, a candidate for appointment as a member of the Executive Board, a candidate in a competition to fill the post of Chairman of the Executive Board, a candidate in a competition to fill the post of member of the Board of Appeal or a candidate in a competition for the post of controller shall provide the Ministry of Education with the data necessary to request an extract from the criminal record⁵); the candidate in the competition for the post of head of office shall provide the Agency with the following data. The data referred to in the first sentence shall be transmitted by the Ministry of Education or the Agency without delay by electronic means to the Public Prosecutor's Office of the Slovak Republic for the issue of an extract from the criminal record.

(7) The matters referred to in points (d) to (f) of paragraph 1 shall be notified without delay to the Chairperson of the Executive Board by a member of the Executive Board, a member of the Board of Appeal, a controller and a Head of Registry; the President of the Executive Board shall notify them to the Minister for Education without

delay.

§ 17

(1) The Chairman of the Executive Board shall receive monthly salary equal to 4 times the average monthly salary in the economy of the Slovak Republic as determined by the Statistical Office of the Slovak Republic for the previous calendar year, to the Vice-President of the Executive Board of 3 times such salary and to the Head of the Office of 2.5 times such salary; the wage is rounded up to the whole euro. The salary adjustment shall be made once a year with effect from 1 April of the calendar year.

(2) A member of the Executive Board shall be entitled to a monthly salary in accordance with the Agency's internal rules.

(3) A member of the working group shall be entitled to remuneration for drawing up an evaluation report for the purposes of the Agency's proceedings. A member of the Board of Appeal shall be entitled to a fee for the examination of a party's objections. The amount of the remuneration of a member of the working group and a member of the Board of Appeal shall be adjusted by the Agency's internal rules.

(4) The Controller shall receive monthly remuneration of one half of the average monthly salary of an employee in the economy of the Slovak Republic as determined by the Statistical Office of the Slovak Republic for the previous calendar year.

(5) The performance of the functions of member of the Executive Board other than the Chairperson of the Executive Board and the Deputy Chairperson of the Executive Board and the performance of the duties of a working group member shall be another act of general interest.

§ 18

(1) For the purpose of carrying out its activities, the Agency shall process the members of the Executive Board, the members of the Board of Appeal, the controller and the assessors

- a) name and surname,
- b) an academic degree, a scientific pedagogical degree, an artistic-pedagogical degree or a scientific degree,
- c) date of birth;
- d) the place of permanent residence or, in the case of a foreign national, the place of residence in the Slovak Republic,
- e) telephone number and e-mail address,
- f) the beginning and end of the term of office or of the period of inclusion in the list of assessors;
- g) the designation of whom he has been appointed,
- h) the name of the field of study in which he is pedagogical, scientifically or artistically active,
- i) the name of the field of study in which he obtained his university degree; if he has undergone a habilitation procedure or an inaugural procedure, the name of the habilitation and inauguration proceedings in which the procedure took place,
- j) identification details of the employer;
- k) identification of the university of which he is a student, if it is a student;
- l) the name of the field of study in which the study programme for which the student is enrolled is carried out, in the case of a student,
- m) information on the membership of the working group, in the case of the assessor, with a link to the published application, which it is assessing or assessing, and to the evaluation report in which he participated;
- n) information on the professional development training of the assessor.

(2) The Agency shall make the data referred to in points (a), (b) and (f) to (m) of paragraph 1 publicly available on its website.

(3) For the purpose of carrying out the activities of the Agency, a member of the Executive Board, a member of the Board of Appeal, a member of a working group and the Chairperson of the Executive Board shall have the right to access academic land, to consult, to the extent necessary, the files of students, higher education teachers, researchers and artistic staff, to be present in the educational activities of the higher education institution and to process the personal data contained in the decision documents.

(4) In order to supervise compliance with the standards, the Agency's staff are specifically authorised to process data from the central register of students, the register of university staff, the central register of final works, rigorous works and habilitation works, the central register of publishing activities, the central register of arts records and the register of study programmes in full and make them available to the necessary extent to the members of the Executive Board, the Working Group and the Appeals Committee.

§ 19

Financing of the Agency

(1) The Agency's funds shall be kept in accounts with the State Treasury. Funds relating to business activities shall be kept by the Agency in a separate account.

(2) The Agency shall keep accounts in accordance with a specific regulation.⁶⁾

(3) The Agency's revenues are mainly

- a) fees for agency operations pursuant to Section 21(1)(a) and (b),
- b) funds from the state budget from the chapter of the Ministry of Education according to the State Budget Act for the relevant budget year to ensure its activities;
- c) income from business activity,
- d) other revenue.

(4) The fee schedule and its amendments shall be approved by the Ministry of Education, taking into account the agency's foreseeable costs associated with the Agency's operations. Where the assessment report is drawn up pursuant to Section 24(6), the amount of the fee for examining the application shall take account of the fact that the assessment report has not been drawn up by the working group.

(5) The Ministry of Education shall provide the Agency with the funds referred to in paragraph 3(b) on the basis of a written contract for the provision of funds. The contract contains, in addition to the identification of the contracting parties, in particular

- a) the purpose for which the funds are provided and the other conditions for their use;
- b) the amount of the funds;
- c) the time and manner in which the funds are made available;
- d) the date by which the Agency shall submit the accounts to the Ministry of Education.

PARAGRAPH 20

Management of the Agency

(1) The Agency shall be managed in accordance with the revenue and expenditure budget to be drawn up and approved for the calendar year concerned.

(2) The Agency is obliged to use its property in order to perform its duties, to maintain the property in good condition, to use legal means to protect it and to ensure that it is not destroyed, damaged, lost or abused.

(3) The Agency may not

- a) granting loans or loans;
- b) to guarantee payment of a bill of exchange, to issue, acquire and receive bills of exchange;
- c) issue bonds,
- d) enter into credit, loan or other relationships as guarantor;

- e) make deposits of money or non-monetary contributions to a legal entity other than the State Treasury;
- f) letting the Agency's assets for a period of more than four years;
- g) to safeguard its obligations by establishing a lien; and
- h) to participate in the formation of a company or to set up a company itself.

(4) Subject to paragraph 3, the disposal of the Agency's assets shall be governed by a special regulation,⁷⁾. The role of the self-governing body in the management of the Agency's assets shall be exercised by the Executive Board.

(5) Control of the Agency's management under special legislation⁸⁾ is carried out by the Ministry of Education. The Ministry of Finance of the Slovak Republic and the Government Audit Office may carry out government audits at the Agency.

(6) The President of the Executive Board shall be responsible for the efficient and efficient use of funds pursuant to Section 19(3)(b) and their accounting with the state budget and for the management of the Agency's assets.

(7) The Agency is authorised to carry out only business activities related to quality assurance of higher education, especially in relation to higher education institutions located outside the territory of the Slovak Republic. The Agency may not provide a direct or mediated advisory or professional service or assistance in return for payment or other consideration to a public higher education institution, a public higher education institution, a private university or an applicant for state consent upon request. The costs of the business activity must be covered by the proceeds thereof. In its accounts, the Agency shall keep the revenues and costs associated with its business activities separate from those arising from the exercise of its functions pursuant to Section 4.

(8) The Agency's annual activity and management report shall include in particular:

- a) an overview of the activities carried out in the previous calendar year relating to the exercise of the Agency's competences,
- b) changes to the Agency's internal rules and changes in the Agency's bodies that occurred during the previous calendar year,
- c) an assessment of the basic data contained in the financial statements;
- d) an analysis of revenues and costs, with the allocation of revenues and costs from business activities;
- e) status and movement of property,
- f) an analysis of financial flows;
- g) recapitulating the clearance of the state budget;
- h) a proposal for a distribution of profit or for the settlement of profit or loss;
- i) other data to be determined by the Executive Board.

PART THREE PERFORMANCE OF THE AGENCY'S COMPETENCES

PARAGRAPH 21

(1) The Agency shall initiate the procedure for

- a) University request for
 1. regular assessment of the internal system;
 2. awarding the accreditation of the study programme, or
 3. accreditation of habilitation and inauguration procedures;
- b) the applicant's request for State consent;
- c) the Agency's own initiative in the case of an exceptional assessment of the internal system or a procedure to withdraw the accreditation of the habilitation and inauguration procedures.

(2) The party to the proceedings is

- a) a public higher education institution;
- b) State College,
- c) a private university or
- d) applicant for state consent.

(3) The Agency's proceedings, starting on the basis of an application, shall start on the date of receipt of the complete application by the Agency, including payment of the fee. If the application is incomplete, the Agency shall set a period of at least 30 days to complete the application, after which the Agency shall reject the application by decision. The action of the Agency on its initiative shall commence on the date of the first act of the Agency vis-à-vis a university.

(4) If a party fails to pay the fee for the Agency's action at the latest together with the submission of the application, the Agency shall invite the party to the proceedings to pay it within 60 days of receipt of the letter of formal notice. If the party fails to pay it within that period, the Agency shall reject the application by decision.

(5) The working group shall draw up an evaluation report on the request or on the initiative on the basis of which the Executive Board shall decide or give its opinion. The Working Group shall base the evaluation report on an expert assessment of the background, information gathered through a university visit, available data and stakeholder consultations. In the evaluation report, the Working Party shall also set out the facts underlying its conclusions, the procedure for evaluating these documents, the assessment of the level of compliance with the various standards, the shortcomings identified, the recommendations to the party, the draft decision or representation of the Agency and the names and surnames of the members of the working group.

(6) A party shall have the right to submit an opinion on the evaluation report within a period specified by the Agency, at least 15 working days from the date of receipt of the evaluation report by the party to the proceedings.

(7) The Agency shall decide or express its views within one year of the date on which the procedure is initiated; the Agency may extend that time limit once by 30 days and shall notify the party thereof. The time limit does not elapse between the submission of an objection of bias to the composition of the working group and its evaluation and during the period for the parties to the proceedings to express their views on the evaluation report of the working group.

(8) The Agency shall state in the decision or in its observations the reasons which led it to take the decision or observations and the deficiencies identified. There is no need for a statement of reasons if the Agency fully grants the party.

§ 22

(1) A party to proceedings shall have the right to object to the decision or statement of the Agency within 15 working days of the date on which the decision or defence was served on the party to the proceedings, of which the agency shall inform the party in the decision or statement of defence.

The Board of Appeal shall rule on the parties' objections within 90 days of the date on which they are received by the Agency.

(2) Where the Board of Appeal, when reviewing a decision or statement of the Agency, finds that the Agency's internal rules governing the procedure of the Executive Board, its working groups or this law have not been complied with, it shall refer the decision or statement to the Executive Board to the Executive Board, failing which it shall confirm the decision or statement of the Agency. If the Board of Appeal returns the decision or the response to the Executive Board for retrial, a new period of time pursuant to Paragraph 21(7) shall begin to run.

(3) When the Board of Appeal discusses objections, in addition to voting, the member of the Executive Board, the chairperson of the relevant working group or a member designated by him and one or two representatives of a party shall be entitled to be present at its meeting; the Board of Appeal shall notify them at least ten working days in advance of the place, date and time of the hearing of objections. The Board of Appeal may invite other

persons to attend its meeting, as appropriate. If the beneficiary does not attend the meeting of the Appeals Board, the Board of Appeal shall hear the case even in the absence of his or her presence.

(4) The decision of the Agency shall become final on the date of the expiry of the objection period in vain or on the day on which a party to proceedings receives written notice to the Agency renouncing the lodging of objections. Where a party to proceedings has lodged an objection in good time against the Agency's decision, the decision of the Agency shall become final on the date of service of the statement of the Board of Appeal on the party confirming the decision of the Agency. If it is a decision in the procedure for awarding the accreditation of the study programme and the party to the proceedings is the applicant for the granting of the state consent, the decision to grant the accreditation of the study program shall become final at the earliest on the date of the granting of the state consent.

(5) The Agency's response to the request for State consent shall be the final date of the expiry of the objection period in vain or the date on which a party to proceedings receives written notice to the Agency renouncing the lodging of objections. Where a party has lodged an objection to that statement of the Agency in good time, the Agency's response shall become the final date of service of the statement of appeal on the party confirming the Agency's statement.

§ 23 **Standards**

(1) The Agency shall publish the draft standards and the proposal to amend them on its website for at least 30 days during which the public may comment on the proposal. The Agency shall immediately notify the representation bodies of higher education institutions and ministries of the publication of the proposal.

(2) The Agency shall evaluate the comments received and make this evaluation publicly available. Before submitting the draft standards for approval to the Executive Board, the Agency shall submit a modified draft for opinion to the Ministry of Education; if, at the time of its submission, the evaluation of the observations referred to in the first sentence is not published, the Agency shall submit it to the Ministry of Education together with a revised proposal. If the Ministry of Education identifies shortcomings in the modified draft standards, it shall return it to the Agency for revision, indicating the specific shortcomings; if the Ministry of Education finds that there are no shortcomings in the revised draft standards, it shall notify the Agency without delay.

(3) Standards shall enter into force on the date of their approval by the Executive Board and shall take effect on the day of their publication on the Agency's website, unless a later date is specified in the Standards.

(4) The standards for the internal system shall, taking into account the mission of the higher education institution, focus in particular on the requirements of the internal system pursuant to Section 3 and its implementation by the higher education institution and its components.

(5) The standards for the study programme shall, taking into account the mission of the higher education institution, focus in particular on the level of

- a) spatial, material, technical, information and personnel provision for the implementation of study programmes,
- b) the creative activity of the higher education institution in the relevant field of study,
- c) taking into account the latest knowledge of the relevant field of study;
- d) requirements for successful completion of studies according to the study programme,
- e) graduates, in particular through the achievement of higher education outcomes and their compliance with the required level of the National Qualifications Framework;
- f) requirements for the filling of higher education teacher posts.

(6) Study programme standards may regulate specificities for

- a) individual fields of study;
- b) professionally oriented bachelor's degree programmes,
- c) joint study programmes;

- d) teacher combination study programmes,
- e) translation combination study programmes;
- f) interdisciplinary studies.

(7) Standards for habilitation procedures and inauguration procedures, with possible specificities for individual fields of study, focus mainly on the level

- a) the subject-matter of the habilitation procedure and the inaugural procedure and the field of study to which the field of habilitation and inaugural proceedings is to be assigned,
- b) the creative activity of the university in the field of study, to which the field of habilitation and inaugural proceedings is assigned,
- c) criteria of the high schools to evaluation compliance conditions obtaining scientific pedagogical or artistic pedagogical title “docent”,
- d) criteria of the high schools to evaluation compliance conditions obtaining scientific pedagogical or artistic pedagogical title “professor”,
- e) requirements for selection of opponents,⁹⁾ members of the habilitation committee, members of the inauguration committee and compliance with these requirements.

(8) The higher education institution shall be required to harmonise its internal system, the study programmes carried out or the rules for carrying out habilitation and inauguration procedures within 12 months of the date of entry into force of the amendment to the relevant standards. Proceedings initiated before the entry into force of the amendment shall be completed in accordance with the standards in the version prior to the entry into force of the amendment if this is more favourable to the higher education institution.

(9) The procedure under paragraphs 1 to 3 shall also apply to the amendment of the standards.

Assessment of the internal system

PARAGRAPH 24

(1) A higher education institution shall request the Agency to assess its internal system at least once every six years. For the first time, a higher education institution shall request an assessment of the internal system not earlier than four years and no later than six years after its establishment or the granting of State approval.

(2) The Agency shall oversee compliance with the standards for the internal system on an ongoing basis at least once every two years on the basis of data from

- a) the assessment of the level of higher education in the educational activity and in the field of science, technology or art discussed by the Scientific Council of the College;
- b) evaluation of faculty level in educational activities and in the field of science, technology or art discussed by the Scientific Council of the Faculty; and
- c) the registers referred to in Section 18(4).

(3) The Agency may, on its own initiative, initiate a procedure for extraordinary assessment of the internal system in order to supervise compliance with standards. As part of the extraordinary assessment of the internal system, the Executive Board shall determine in a decision whether it may replace the assessment of the internal system referred to in paragraph 1.

(4) The basis for the assessment of the internal system shall be:

- a) internal system; if the university has drawn up internal regulations governing the internal systems of the faculty, the basis is also those,
- b) the internal evaluation report on the implementation of the internal system by the university, (c) the evaluation report of the working group;
- d) opinion of the College on the evaluation report of the Working Group;

e) publicly available documents and data of the university.

(5) The documents referred to in points (a), (b) and (d) of paragraph 4 shall be submitted by the university to the Agency by electronic means. In the case of an extraordinary assessment of the internal system, the higher education institution shall submit the supporting documents referred to in points (a), (b) and (d) of paragraph 4 within a period specified by the Agency of at least 30 days; in the case of an internal evaluation report, the Agency may also determine its scope and content. If the university fails to deliver the supporting documents referred to in points (a), (b) and (d) of paragraph 4 within the prescribed period, the procedure referred to in paragraph 7 shall be followed.

(6) The higher education institution may also request that an assessment report be drawn up for the purpose of assessing the internal system by a legal person on the list referred to in Section 4(2)(c) second point; this shall be indicated in the request referred to in paragraph 1. The evaluation report thus drawn up replaces the evaluation report of the working group. The time limit for the receipt of that assessment report shall be determined by the Agency in agreement with the university and the legal person concerned; this period shall be at least 120 days. Pending receipt of the evaluation report, the Agency shall suspend the proceedings.

(7) If the higher education institution does not request the Agency to assess the internal system within the time limit referred to in paragraph 1, the Agency shall bring that fact to the attention of the higher education institution. The higher education institution shall be obliged to submit a request pursuant to paragraph 1 within 60 days of the date of receipt of the notification; if it fails to do so, the Agency shall decide to cancel all study programmes of the higher education institution.

(8) If the higher education institution has requested the Agency to assess the internal system within the period referred to in paragraph 1, the Agency, pursuant to Section 21(3) or (4), rejected the request of the higher education institution for an assessment of the internal system and the period referred to in paragraph 1 expired before the decision rejecting the application of the higher education institution became final, the Agency shall decide to cancel all study programmes of the higher education institution.

(9) When assessing the internal system, the Agency shall also take into account the fulfilment of the standards for the study programme.

§ 25

(1) On the basis of the results of the assessment of the internal system, the Agency shall decide whether or not the internal system and its implementation comply with the internal system standards. The Agency shall specify in its decision the fields of study and the levels at which the higher education institution is authorised to establish, implement and modify study programmes. If the internal system and its implementation comply with the standards for the internal system, the Agency shall indicate in the register of study fields the lifting of the restriction to create, conduct and modify study programmes in specified fields of study and degrees, if the university has this limitation. If the internal system or its implementation does not comply with the standards for the internal system and the party to the proceedings is a university, the Agency shall also impose corrective measures in the decision.

(2) Corrective measures are:

- a) ordering the correction of deficiencies that render the internal system or its implementation non-compliant with the standards for the internal system;
- b) suspension of the study programme;
- c) ordering the cancellation of the study programme;
- d) cancellation of the study programme;
- e) limitation to create and modify study programmes.

(3) The Agency may decide to impose several corrective measures simultaneously.

(4) If the applicant for State approval is a party to the proceedings, the Agency shall assess the proposal for an internal system of a private higher education institution in the same procedure as it assesses the internal

system of the higher education institution, except for the imposition of corrective measures.

(5) In the case of a teacher's combined study programme or a translation combination study programme, the corrective measure may also be imposed separately in relation to the application of a course of instruction or the application of a language. If a remedy is imposed separately in relation to the application of a subject or language, it shall apply to all courses of study involving the relevant application.

§ 26

Regulation to remedy deficiencies

(1) The Agency shall order the correction of deficiencies which render the internal system or its implementation non-compliant with the standards for the internal system if it has not identified a negative impact on higher education outcomes and can be remedied within six months from the date on which the Agency's decision is final.

(2) The College shall be obliged to remedy the deficiencies identified and communicate the measures taken and the results thereof to the Agency within six months of the date on which the Agency's decision is final.

(3) If the higher education institution fails to notify the Agency of the measures taken within the period referred to in paragraph 2, or the results thereof, or the Agency finds that the deficiency persists, the Agency shall decide to impose another corrective measure without fulfilling the conditions under Section 27(1), Section 28(1) or Section 29(1).

§ 27

Suspension of the study programme

(1) The Agency shall suspend the implementation of the study programme if the deficiency identified is that

- a) the higher education institution proceeded in the establishment, approval, modification or implementation of the study programme contrary to its internal system,
- b) the study programme does not meet the standards for the study programme; and
- c) the identified shortcoming can be remedied by modifying the study programme.

(2) From the date on which the decision to suspend the implementation of the study programme becomes final, the university may not

- a) recruit candidates for study in the relevant study programme or take state examinations in the relevant study programme as decided by the Agency; if the Agency decides that a higher education institution may not take a State examination in the relevant study programme, that State examination and the documents of completion of studies issued to the person concerned shall be invalid;
- b) modify the relevant study programme differently from the procedure set out in paragraph 4; and
- c) establish a study programme in the relevant field of study and level.

(3) The higher education institution shall submit to the Agency a proposal for modification of the study programme or notice of its cancellation within a period specified by the Agency in the decision suspending the implementation of the study programme, which shall be at least three months from the date on which the decision in question became final.

(4) If a higher education institution cancels the relevant study programme, the Agency shall indicate in the register of study fields the lifting of restrictions pursuant to paragraph 2.

(5) The Agency shall give its approval to the submitted draft modification of the study programme if the proposed change creates a precondition for meeting the standards for the study programme. The university shall modify the study programme as from the following academic year at the latest, which it shall immediately inform the Agency about. The Agency shall verify this in the register of study programmes within 30 days of the announcement of the university. After confirmation of the implementation of the amendment, the Agency shall indicate in the register of study fields and in the register of study programmes the lifting of restrictions pursuant

to paragraph 2.

(6) If the draft modification of the study programme does not create a precondition for meeting the standards for the study programme, the Agency shall, by decision, request the higher education institution to submit a new proposal for the modification of the study programme. In the decision, the Agency shall also identify those deficiencies which the draft modification of the study programme does not remedy, any new deficiencies and shall set a deadline for the higher education institution to submit a new proposal no more than twice.

§ 28

Ordering the cancellation of the study programme and cancelling the study programme

(1) The Agency shall order the cancellation of the study programme if, after the suspension of the implementation of the study programme,

- a) University within the prescribed period
 - 1. does not propose modifications to the study programme; or
 - 2. not notify its cancellation,
- b) the Agency does not confirm the implementation of the approved modification of the study programme by the university pursuant to Section 27(5), or
- c) even for the third time, the proposal to modify the study programme pursuant to Section 27(6) does not create a precondition for meeting the standards for the study programme.

(2) The university shall cancel the suspended study programme within a period specified by the Agency in the decision ordering the cancellation of the study programme, which shall be at least three months from the date on which the decision in question is final.

(3) Once the Agency's decision ordering the cancellation of the study programme has become final, the higher education institution is obliged to stop teaching the subjects of that study programme.

(4) If the university does not cancel the study programme within the prescribed period, the Agency shall decide on its cancellation and on the cancellation of all study programmes carried out in the relevant field of study at all levels and the revocation of the right of the university to create, implement and modify study programmes in that field at all levels. The higher education institution is obliged to provide for the possibility for students enrolled in the relevant study programme to continue their studies in the study programme carried out in the relevant field of study at another university.

(5) The higher education institution may not carry out State examinations in a study programme cancelled by the Agency. If the higher education institution takes the State examination in this study programme, that State examination shall be void; certificates of study issued to the person concerned shall also be invalid.

§ 29

Limitation to create and modify study programmes

(1) The Agency shall decide to limit the creation and modification of study programmes in the field of study and degree if the deficiency identified is

- a) the incompatibility of the internal system with the internal system standards; or
- b) the fact that the way in which the internal system is implemented means that higher education outcomes do not correspond to the relevant level of the National Qualifications Framework; and
 - 1. any study programme is not conducted in accordance with the standards for the study programme, or
 - 2. in the case of deficiencies under Section 26(1), there is no presumption that they can be rectified within a period of six months from the date on which the Agency's decision becomes final.

(2) The higher education institution may not, without the prior written consent of the Agency, establish and modify, at the appropriate level, study programmes carried out

- a) in the field of study referred to in the Decision of the Agency,

- b) a combination of two fields of study, one of which is listed in the Decision;
- c) as interdisciplinary studies in which higher education may be obtained in the field of study referred to in the Decision.

(3) The higher education institution shall, within 60 days of the date on which the decision referred to in paragraph 1 becomes final, submit to the Agency for approval an action plan setting out, in particular, the measures envisaged to remedy the deficiencies and their timetable, including how to ensure the necessary resources. If the Agency approves the action plan, it shall monitor its implementation and re-assess the internal system after the deadline specified in the action plan. If the Agency does not approve the action plan, it shall order the university to complete it, even repeatedly. The completed action plan shall be submitted by the university to the Agency within 30 days of the date of receipt of the notification of non-approval of the action plan.

(4) If, in the context of the monitoring of the implementation of the action plan, the Agency finds that a university is not implementing the measures it committed to in the action plan, or the implementation of those measures does not lead to the correction of the identified deficiencies, the Agency shall invite the higher education institution to make adjustments to the action plan in cooperation with the Agency within a time limit set by the Agency or within a time limit for the implementation of the relevant measures specified in the action plan.

(5) If an action plan is not submitted by the higher education institution within the relevant time limit, it fails to carry out modifications after having called on the Agency to implement the relevant measures, the Agency shall bring that fact to the attention of the higher education institution and shall extend the time limit for its submission, for its adaptation or for the start of the implementation of the relevant measures by 30 days. If, even after notification and extension of the deadline, the higher education institution fails to submit, amend or implement the relevant measures, the Agency shall decide to cancel all study programmes of the higher education institution.

(6) If, following a reassessment of the internal system pursuant to paragraph 3, shortcomings persist in a field of study as referred to in paragraph 1, the Agency shall decide to cancel all study programmes in the relevant field of study at all levels.

(7) If, following a reassessment of the internal system pursuant to paragraph 3, the Agency does not identify deficiencies pursuant to paragraph 1, it shall indicate in the register of study fields the lifting of the restriction to create and modify study programmes.

§ 30

Accreditation of the study programme

(1) A higher education institution may apply for accreditation of a study programme in a field of study and a level at which it is not yet authorised to carry out study programmes. The applicant for state approval submits an application for accreditation of a study programme in study fields and levels at which he wishes to start providing higher education.

(2) The application for the accreditation of a study programme shall include

- a) the name of the party to the proceedings, its registered office and the identification number of the organisation; if the study programme which is the subject of the application is to be carried out by the faculty, the designation of that faculty,
- b) the title of the study programme, the form of study and the language or languages in which it is to be carried out,
- c) the name of the field of study from the network of fields of study,
- d) degree of higher education;
- e) the educational level code and the code of the field of education according to the international standard classification of education;
- f) the level of the national qualifications framework;

- g) awarded academic title,
- h) documentation for the study programme which is the subject of the application concerning
 - 1. the spatial, material, technical, information and personnel provision of higher education;
 - 2. the requirements for applicants for study, the method of their selection and the recommended personal circumstances,
 - 3. requirements for graduation;
 - 4. the creative activities of university staff to be involved in the implementation of the study programme,
- i) the consent of the legal person referred to in the description of the field of study, if required by the description of the field of study,¹⁰⁾
- j) the favourable opinion of the competent ministry for the implementation of the proposed study programme in the case of a State higher education institution;
- k) additional documentation needed to evaluate the fulfilment of individual standards for the study programme,
- l) internal evaluation report.

(3) The documents referred to in paragraph 2 shall be submitted by the College to the Agency by electronic means.

(4) In the case of a teacher's combined study programme or a translation combination study programme, for the purpose of applying for the accreditation of a study programme, the higher education institution shall include in the application at least two applications, together with the particulars for the subjects of the pedagogical-psychological basis, the socio-science basis, the didactics of the teaching subjects or the translational basis. The application thus submitted shall be deemed to be an application for an accreditation of a study programme.

(5) The Agency shall, by decision, refuse to grant the accreditation of a study programme if

- a) the party to the proceedings is already entitled to create, implement and modify a study programme in the relevant field of study and degree;
- b) the Agency has finally decided on another application for accreditation of the study programme of the relevant higher education institution in the same field of study and level during the two years preceding the submission of the application; or
- c) the party to the proceedings submitted an application for accreditation of a study programme for a joint study programme, a study programme carried out as interdisciplinary studies or for a study programme carried out in combination with two fields of study.

(6) By decision, the Agency shall reject an application for accreditation of a study programme in the relevant field of study if it is submitted by the higher education institution before the expiry of five years from the date of entry into force of the Agency's decision ordering the cancellation of the study programme in the same field of study.

(7) The Agency shall reject the application if, in its assessment of the application, it finds that:

- a) the party does not meet the standards for the study programme; or
- b) there is no presumption that a private university will meet the standards for the study programme and the party to the proceedings is the applicant for state approval.

(8) The Agency shall decide on the award of the accreditation of the study programme if, in assessing the application, it finds that

- a) the party to the proceedings meets the standards for the study programme, or
- b) it is assumed that a private university will meet the standards for the study programme and the party to the proceedings is the applicant for state approval.

(9) The higher education institution shall not be entitled to modify the relevant study programme without prior approval of the Agency and shall not be entitled to create new study programmes in the relevant field of study and level; this fact will be indicated by the Agency in the register of study fields and in the register of study

programmes.

(10) The Agency shall continuously monitor the compliance of the implementation of the relevant study programme with the submitted application for the award of study programme accreditation and standards for the study programme.

(11) The Agency shall assess the compliance of the implementation of the relevant study programme with the standards for the study programme after two years from the date of the proper completion of the studies of the first student of the relevant study programme, but not before the expiry of the standard duration of study programme since the decision to grant the accreditation of the study programme has become final.

(12) When assessing pursuant to paragraph 11, the Agency shall focus on the consistency of the higher education outcomes of graduates of the relevant study programme with those of higher education as set out in the application for study programme accreditation.

(13) The Agency shall indicate in the register of study fields the abolition of the restriction to create study programmes in the relevant field of study and level and in the register of study programmes the abolition of the limitation of the modification of the relevant study programme after confirmation of compliance pursuant to paragraph 11. If a party to the proceedings has applied simultaneously for the award of accreditation of a study programme for several courses of study in the same field of study and degree, the cancellation shall be marked only after confirmation of compliance for all those courses.

(14) If, as part of the assessment referred to in paragraph 11, the Agency finds that the implementation of the relevant study programme does not comply with the standards for the study programme, the procedure for extraordinary assessment of the internal system shall be initiated.

(15) If, as part of the extraordinary assessment of the internal system, the Agency does not order the cancellation of a study programme which has been subject to an assessment pursuant to paragraph 11, it shall set a time limit within which it shall reassess the compliance of the implementation of the study programme with the standards for the study programme.

§ 31

Procedure for granting the accreditation of the habilitation procedure and the inauguration procedure

(1) A higher education institution authorised to create study programmes may apply for accreditation of habilitation and inauguration procedures in the field of habilitation and inauguration procedures. An application may be made if the university carries out, in a field of study or fields of study referred to in paragraph 2(c), a third-level study programme, a second-level study programme or a study programme linking the first and second level.

(2) The application for accreditation of the habilitation procedure and the inauguration procedure shall include

- a) the name of the university, its seat and the identification number of the organisation; if the habilitation procedure and the inauguration procedure are to be carried out by the faculty, the designation of this faculty,
- b) the name of the department of habilitation and inauguration procedure proposed by the university and its content definition;
- c) the name of up to two courses of study to be assigned to the habilitation procedure and the inauguration procedure; the content definition of the habilitation and inauguration procedures is required to be as close as possible to this field of study;
- d) criteria of the high schools to evaluation compliance conditions obtaining scientific pedagogical or artistic pedagogical title “docent”,
- e) criteria of the high schools to evaluation compliance conditions obtaining scientific pedagogical or artistic pedagogical title “professor”,
- f) results of the periodic evaluation of the creative activities of the university according to special legislation,¹¹⁾

g) additional documentation needed to evaluate the fulfilment of individual standards for habilitation and inauguration procedures.

(3) The title of the field of habilitation procedure and inauguration procedure may be identical to the name of the field of study from the network of courses of study. In the case of a field of study, it is not possible to indicate a field of study in which only first-level study programmes can be carried out.

(4) The documents referred to in paragraph 2 shall be submitted by the College to the Agency by electronic means.

(5) The Agency shall, by decision, reject the application of the higher education institution if

a) the conditions under paragraph 1 are not met; or

b) the university submitted an application during the

1. one year from the date on which the decision rejecting the application for accreditation of the habilitation procedure and the inaugural procedure in the field of habilitation and inauguration procedure is final and which has in the application referred to in paragraph 2(c) the same field of study as indicated in the rejected application; or

2. five years after the date on which the decision to withdraw the accreditation of the habilitation procedure and the inauguration procedure in the relevant field of habilitation and inauguration procedure becomes final and the application mentions the same faculty as in the application for the withdrawn accreditation.

(6) The Agency shall decide on the granting of the accreditation of the habilitation procedure and the inauguration procedure if, in assessing the application, it finds that the university meets the standards for habilitation and inaugural procedures, otherwise it decides to reject the application.

§ 32

Withdrawal of accreditation of habilitation and inauguration procedure

(1) The Agency shall initiate a procedure to withdraw the accreditation of the habilitation procedure and the inauguration procedure if it finds facts indicating that the university does not meet the standards for habilitation and inauguration procedures.

(2) The Agency shall decide to withdraw the accreditation of the habilitation and inauguration procedures in the relevant field of habilitation and inauguration proceedings if the facts referred to in paragraph 1 are demonstrated.

(3) Once the decision to withdraw the accreditation of the habilitation procedure and the inauguration procedure has become final, all pending habilitation and inaugural procedures at the relevant university in the relevant field of habilitation and inauguration proceedings shall be suspended.

Paragraph 32a

Withdrawal of accreditation of habilitation and inauguration procedures

(1) The Agency shall decide on the withdrawal of the accreditation of the habilitation procedure and of the inauguration procedure on the basis of a request from the university to cancel the accreditation of the habilitation procedure and the inaugural procedure in the field of habilitation and inauguration procedures referred to in the relevant application of the higher education institution.

(2) Upon the finality of the Agency's decision to withdraw the accreditation of the habilitation procedure and the inauguration procedure, all pending habilitation and inaugural procedures at the relevant university in the relevant field of habilitation and inauguration procedures shall be suspended.

§ 33

Granting of state consent

(1) An application for state approval is submitted to the Agency by a legal entity wishing to act as a private

university.

(2) The request for state consent shall include:

- a) identification of the applicant for state consent, to the extent the name, registered office, identification number of the organisation and the name and surname of the statutory body or members of the statutory body,
- b) the name of the private university,
- c) the long-term intention of a private university;
- d) application for the accreditation of a study programme;
- e) the draft statute, the proposal for an internal system, the draft rules of study and the principles of the selection procedure for the recruitment of higher education teachers, researchers and professors' and associate professors' posts;
- f) the way in which the activities of a private higher education institution are financed;
- g) staffing, spatial, material, technical and information provision for the provision of higher education;
- h) evidence of scientific qualifications and pedagogical qualifications of higher education teachers and researchers or artistic staff who will be employed in a private university
- i) documents proving the facts referred to in points (a), (f) and (g).

(3) The Agency shall discontinue the proceedings in addition to the grounds set out in the Code of Administrative Procedure, even if

- a) decides legally that the design of the private higher education institution's internal system does not comply with the standards for the internal system;
- b) a final decision rejecting all applications for the accreditation of a study programme which were part of the application for State approval, or
- c) the period referred to in paragraph 9 has not expired.

(4) No appeal shall be brought against a decision to discontinue proceedings pursuant to points (a) or (b) of paragraph 3.

(5) If the Agency decides on all applications for the award of accreditation of a study programme, decisions not to grant the accreditation of the study programme shall become final and the Agency shall not suspend the proceedings, shall submit to the Ministry of Education an application for the granting of state consent with a statement in which it recommends that the state consent be granted or not. The Agency shall comment on the granting or non-granting of the State consent on the basis of a comprehensive assessment of the application.

(6) If the draft internal regulations do not comply with the legislation or the name of the university does not comply with a special regulation,¹²⁾ the Ministry of Education shall invite the applicant to remedy and set him or her a reasonable period of time; at the same time, he will instruct him that otherwise he will stop the proceedings.

(7) The Ministry of Education discontinues the proceedings in addition to the grounds under the Administrative Code, even if the applicant

- a) has not eliminated the inconsistency of the draft internal legislation with the legislation within the time limit set by the Ministry of Education; or
- b) it did not eliminate the discrepancy of the name of the university with the requirements under special legislation¹²⁾ within the time limit set by the Ministry of Education.

(8) The Ministry of Education shall submit a proposal to the Government for granting state consent or for failure to grant state consent within five months of receipt of the Agency's statement by the Ministry of Education. If the Agency does not recommend granting the state consent in its statement, the Ministry of Education shall submit to the Government a proposal for the refusal of the State's consent. The Ministry of Education shall also submit a proposal to the Government for the non-granting of the State consent if the Agency, in its statement, recommends the granting of the State consent, but the Ministry of Education concludes that the granting of the State consent is not in the public interest and justifies this proposal.

(9) A legal person may request the granting of state consent again at the earliest after the expiry of one year from the entry into force of the Agency's decision to discontinue proceedings or the decision of the Ministry of Education not to discontinue the proceedings, or one year after the Government's decision not to grant the state consent.

(10) If the government grants state approval, the Ministry of Education decides to register the status of a private university. Once the state consent has been granted, the applicant shall immediately align its name with the name under which it is to act as a private university.

(11) The provisions of this section shall also apply to branches of higher education institutions established outside the territory of the Slovak Republic which do not operate in the territory of the Slovak Republic on the basis of an authorisation issued pursuant to a specific regulation.¹³⁾

PART FOUR COMMON AND TRANSITIONAL PROVISIONS

§ 34

Common Provisions

(1) The Administrative Code shall not apply to proceedings under this Act, subject to paragraphs 2 and 3.

(2) The Rules of Procedure shall be used to decide on

- a) the suspension of the procedure for granting state consent pursuant to Section 33; and
- b) discontinuance of the procedure for granting state consent pursuant to Section 33.

(3) In addition to the procedure for granting state consent pursuant to Section 33, the provisions of the Code of Administrative Procedure shall apply to proceedings under this Act.

- a) the exclusion of employees or members of an administrative body pursuant to Sections 9 to 13 of the Code of Administrative Procedure;
- b) delivered to their own hands pursuant to Sections 24 and 25 of the Code of Administrative Procedure and
- c) the time-limits laid down in Paragraphs 27 and 28 of the Code of Administrative Procedure.

(4) The Ministry of Education shall act as an appeal body against the Agency's decision in the proceedings referred to in paragraph 2.

(5) The Ministry of Education checks compliance with legislation by the Agency; this is not the case with regard to the actions of an agency pursuant to Paragraphs 21 to 33.

Transitional provisions

§ 35

(1) The right to award the corresponding academic degree to graduates of the study programme according to the regulations in force until 31 October 2018 shall be considered as an accreditation of the study programme under this Act from 1 November 2018; if it has been granted by a decision pursuant to Section 37(2), it shall be deemed to have been granted from the date of its issue. In the case of a right without a time limit, it shall be deemed to be accreditation of the study programme after confirmation of compliance pursuant to Section 30(11); this is without prejudice to Section 36(1).

(2) The right of a university to create a teaching study programme consisting of a combination of two subjects and its graduates to award the corresponding academic degree according to the regulations in force until 31 October 2018 shall be considered as accrediting the teacher combination study programme according to the regulations in force since 1 November 2018 as from 1 November 2018; if it has been granted by a decision pursuant to Section 37(2), it shall be deemed to have been granted from the date of its issue. In the case of a right without a time limit, it shall be considered to be accredited by the teaching combination programme after confirmation of compliance pursuant to Section 30(11); this is without prejudice to Section 36(1).

(3) The right of the university to establish a study programme in the field of translation and interpretation, consisting of a combination of two languages, and its graduates to award the corresponding academic degree according to the regulations in force until 31 October 2018 shall be considered as accrediting the translation combination study programme according to the regulations in force since 1 November 2018 as from 1 November 2018; if it has been granted by a decision pursuant to Section 37(2), it shall be deemed to have been granted from the date of its issue. In the case of a right without a time limit, it shall be deemed to be the accreditation of a translation combination study programme after confirmation of compliance pursuant to Section 30(11); this is without prejudice to Section 36(1).

(4) The right to hold habilitation proceedings and the procedure for the appointment of professors in the field of study according to the regulations in force until 31 October 2018 shall be considered as accrediting habilitation and inaugural proceedings for the Department of Habilitation Procedures and Inaugural Procedures under this Act from 1 November 2018; if it has been granted by a decision pursuant to Section 37(2), it shall be deemed to have been granted from the date of its issue.

(5) If a higher education institution has a right under paragraphs 1 to 3 with a time limit on the ground that it was a new study programme, the time limit for that right shall be lifted as from 1 November 2018 and the Ministry of Education shall indicate this fact by 30 November 2018 in the register of study programmes. In the case of a procedure under Section 37(2) and the right to be granted with a time limit on the ground that it is a new study programme, it shall be granted without a time limit and shall be deemed to be an accreditation of the study programme prior to the confirmation of compliance pursuant to Section 30(11) from the date of the relevant decision.

(6) If, according to the regulations in force by 31 October 2018, the higher education institution was obliged to report to the Ministry of Education on the outcome of the measures taken to remedy the shortcomings identified in the opinion of the Accreditation Committee when assessing the capacity of the higher education institution to carry out the relevant study programme or habilitation procedure and the inaugural procedure in the relevant field of study, that obligation shall be maintained. If the administration referred to in the first sentence is not submitted by the higher education institution within the deadline specified in the decision granting the relevant right or within one year of receipt of the decision suspending the granted right, the Minister for Education shall withdraw the right granted. If the university reports in accordance with the first sentence in time, the Ministry of Education shall request verification of the outcome of the measures taken by 31 December 2019 of the Accreditation Commission and, as from 1 January 2020, the Agency; if the Accreditation Commission does not express its opinion by 31 December 2019, the Agency shall carry out the actions of the Accreditation Commission, the Ministry of Education and the Minister of Education. The outcome of the measures taken shall be verified according to the criteria issued under the rules in force until 31 October 2018.

(7) If the outcome of the measures taken pursuant to paragraph 6 is expressed by the Accreditation Commission by 31 December 2019, the rules in force until 31 October 2018 shall be followed. If the Minister for Education decides, pursuant to the first sentence, to grant a right with a time limit, to renew the right with a time limitation or to suspend the granted right, the higher education institution shall not report to the Ministry of Education on the outcome of the measures taken to remedy the deficiencies; instead of this report, the higher education institution is obliged to submit to the Agency, by the date specified as a time limit in the decision of the Minister for Education, a proposal to modify the study programme or a notification of its cancellation pursuant to Section 27(4) and the Agency shall proceed in accordance with Section 27(5) to (7).

(8) If the result of the measures taken pursuant to paragraph 6 is verified by the Agency and finds that the higher education institution, after taking the measures,

- a) meets the criteria and the obligation to report on the outcome of the measures taken to remedy the deficiencies is due to
 1. time limits, the Agency shall indicate the cancellation of the time limit in the register of study programmes in the case of a study programme or in the register of study fields in the case of habilitation and inauguration procedures,
 2. suspension of the granted right, the Agency shall renew the granted right;

b) it does not meet the criteria, the Agency shall suspend the implementation of the study programme pursuant to Section 27 in the case of a study programme or withdraw the granted right in the case of habilitation and inauguration procedures.

(9) If the higher education institution has suspended the right to award graduates of a study programme the corresponding academic degree according to the regulations in force until 31 October 2018 and the validity of that right has not been renewed pursuant to paragraph 7 or point 8(a) second, the higher education institution shall be obliged to cancel that study programme within a period corresponding to its standard duration of study extended by one academic year; this period shall start on 1 September 2020.

(10) If the higher education institution has the right to award the corresponding academic degree to graduates under the regulations in force until 31 October 2018, it is a study programme which was accredited by the higher education institution on the basis of an application submitted by 31 December 2012 and the suspension of that right was only indicated in the register of study programmes, the period for cancelling that study programme according to the regulations in force until 31 October 2018 shall be maintained.

(11) If the university has the right to hold habilitation proceedings and the procedure for the appointment of professors in the field of study according to the regulations in force until 31 October 2018, the university may not accept new applications for the opening of habilitation and inaugural proceedings in the relevant field of habilitation procedure and inauguration procedure until the decision on granting accreditation of habilitation and inauguration proceedings pursuant to this Act becomes final in the field of habilitation and inauguration proceedings, the name of which is identical to the name of the relevant field of study or, with the prior written consent of the Agency, also in another field of habilitation and inaugural proceedings.

(12) The decision to withdraw the right to hold habilitation proceedings and the procedure for the appointment of professors in the field of study according to the regulations in force until 31 October 2018 shall be considered as a decision to withdraw the accreditation of the habilitation procedure and the inauguration procedure under this Act from 1 November 2018; in the case of a procedure under Section 37(2), it shall be deemed to be a decision to withdraw the accreditation of the habilitation procedure and the inauguration procedure under this Act from the date of its issue.

(13) All rights of non-university institutions to participate in the implementation of the doctoral study programme for the relevant field of study expire on 1 November 2018. Contracts between higher education institutions and external educational institutions providing for participation in the implementation of third-level study programmes shall be maintained.

(14) The Agency may initiate proceedings on its own initiative between the time of submission of information by the university that it has brought the internal system into line with the internal system standards if it has reasonable grounds to suspect that the college is not complying with legislation or its internal regulations. If deficiencies are identified by the Agency in the course of the procedure,

- a) suspend the implementation of the study programme; or
- b) launch a procedure to withdraw the accreditation of the habilitation procedure and the inauguration procedure.

PARAGRAPH 36

(1) From 1 November 2018 until the entry into force of the Agency's decision pursuant to Section 25(1), no higher education institution shall have the right to independently create study programmes in any field of study or degree; this shall not apply in the case of an application for an accreditation of a study programme pursuant to Section 30. The limitation referred to in the first sentence shall be indicated by the Ministry of Education in the register of fields of study by 31 December 2018.

(2) From 1 November 2018 until the entry into force of the decision pursuant to Section 25(1), the higher education institution shall be entitled to establish a study programme, in the field of study and the level at which it is authorised to carry out study programmes on 31 October 2018, even before the assessment of the internal

system, in accordance with the procedure laid down in Section 30. By 31 March 2021, the Agency shall not refuse to grant an accreditation of a study programme on the grounds referred to in Section 30(5)(a); this is without prejudice to Section 38(6). Until 31 December 2024, the Agency shall not refuse an application for accreditation of a joint study programme on the grounds referred to in Section 30(5)(c) if the higher education institution in the relevant field of study and level carries out a study programme which is not a joint study programme.

PARAGRAPH 37

(1) The higher education institution is obliged to bring its internal system into line with this Act and the standards for the internal system within 24 months of their entry into force; it shall inform the Agency thereof without delay. The higher education institution is obliged to request the Agency for a first assessment of the internal system by 31 December 2022 and for a second assessment of the internal system by 31 December 2030; if the higher education institution does not request the Agency to assess the internal system by the expiry of that period, the procedure laid down in Section 24(7) shall apply. The College may request the Agency for a first assessment of the internal system at the earliest after its alignment with the regulations in force since 1 November 2018 and the standards for the internal system.

(2) The procedures for the capacity of a university to carry out a study programme authorising its graduates to award the corresponding academic degree and procedures on the capacity of a university to conduct a habilitation procedure and the procedure for the appointment of professors not completed by 31 October 2018 shall be completed as from 1 November 2018 in accordance with the regulations in force until 31 October 2018 and according to the criteria issued under the regulations in force until 31 October 2018; this is also the case for applications submitted in the framework of a comprehensive accreditation of the activities of a higher education institution which has not been completed by 31 October 2018. The provisions of the first sentence shall also apply to proceedings initiated following a request submitted by the Accreditation Commission from 1 November 2018 to 15 June 2019. If the procedure is not completed by 31 December 2019, the Agency shall carry out the actions of the Accreditation Commission, the Ministry of Education and the Minister of Education.

(3) If the Ministry of Education has asked the Accreditation Commission to comment on the application for state approval by 31 October 2018 and the Accreditation Commission has not made a statement by 31 December 2019, the Ministry of Education shall forward the application to the Agency. Draft study programmes containing an application pursuant to the first sentence shall be assessed by the Agency against the criteria issued under the rules in force by 31 October 2018; the Agency shall respond to the application or discontinue the procedure without considering the proposal of the private university's internal system.

(4) On the proposal to include a new field of study into the network of fields of study or on a proposal for another change to the network of fields of study, which is due to enter into force by 30 April 2019, the Accreditation Committee shall be consulted in accordance with the rules in force until 31 October 2018.

(5) Proceedings under paragraphs 2 and 3 initiated and not finally closed by 31 December 2019 shall be stayed as from 1 January 2020 until 31 January 2020 at the latest.

(6) As of 1 November 2018, pending proceedings on the competence of a non-higher school institution to participate in the implementation of a doctoral study programme have ceased.

(7) Where a higher education institution has been deprived of the right to award a corresponding academic degree to graduates in a course of study, or if it has been refused an application for such a right under the regulations in force until 31 October 2018, the restriction to submit applications to the Accreditation Commission relating to the relevant field of study under the regulations in force until 31 October 2018 shall be maintained; in the case of a study programme carried out in the faculty, this limitation shall apply only to the application relating to the courses carried out in the faculty concerned.

(8) As of 16 June 2019, it is not possible to apply to the Accreditation Commission; the application submitted after 15 June 2019 shall be rejected by the Accreditation Commission. Applications submitted to the Accreditation Commission from 1 November 2018 to 15 June 2019 shall be as referred to in paragraph 2.

(9) If, by 31 December 2019, the Accreditation Committee proposes, in its statement, to grant a military college, a police college or a medical college the right to grant graduates of a study programme the corresponding academic degree or the right to hold a habilitation procedure and a procedure for the appointment of professors in the field of study, the competent minister shall notify the Minister of Education, within 30 days of the statement of the Accreditation Committee, of his consent to grant such a right.

PARAGRAPH 38

(1) The Accreditation Commission established under the Regulation in force until 31 October 2018 shall be deemed to be the Accreditation Commission under this Act and shall carry out its activities until 31 December 2019 pursuant to the Regulation in force until 31 October 2018. A member of the Accreditation Commission established under the regulation in force until 31 October 2018 shall be considered as a member of the Accreditation Committee under this Act. As of 1 January 2020, the Accreditation Commission shall be repealed. If the membership of a member of the Accreditation Commission expires by 31 December 2019, the Ministry of Education and the Government shall ensure that the number of members of the Accreditation Commission is replenished in accordance with the regulations in force by 31 October 2018; after 1 November 2018, a member of the Accreditation Commission may also be appointed as a member of the Accreditation Commission for two consecutive terms.

(2) From 1 November 2018 to 31 December 2019, the Ministry of Education materially and financially provides the activities of the Accreditation Commission in accordance with the regulations in force until 31 October 2018. Higher education institutions are obliged to provide the Accreditation Commission from 1 November 2018 with synergies within the scope of the regulations in force until 31 October 2018. Until 31 December 2019, the Accreditation Commission shall be entitled to use data from the Register of Employees of Higher Education Institutions within the scope of the regulations in force until 31 October 2018.

(3) The Agency's activities from 1 November 2018 to 31 March 2019 are provided materially by the Ministry of Education. For the purpose of locating staff and securing the Agency's activities, the Ministry of Education is entitled to transfer property to the State on the basis of a loan agreement until 31 March 2019; ¹⁴⁾ The fixed assets of the State, which materially secures the Agency's activities according to the first sentence, as defined in the Protocol between the Ministry of Education and the Agency, shall be transferred from 1 April 2019 to the ownership of the Agency.

(4) Transfer to the Agency as of 1 January 2020

- a) rights and obligations obliging the Accreditation Commission as of 31 December 2019;
- b) the Registry records of the Accreditation Commission and the administration of its registry,
- c) ownership and administration of the website of the Accreditation Commission and the Accreditation Commission's Agenda Information System; the Agency shall maintain this website and the Agenda Information System for at least seven years.

(5) The Agency shall publish the draft standards on its website by 31 October 2019. The Agency shall communicate the approval of standards to all public higher education institutions, national higher education institutions and private higher education institutions as soon as they are published on its website.

(6) From 1 November 2018 until the entry into force of the standards, it shall not be possible to submit an application to the Agency under this Act; the Agency shall reject the application lodged before their entry into force.

(7) From 1 November 2018 until the completion of the first periodic evaluation of the research, development, artistic and further creative activities of the higher education institution pursuant to special legislation¹¹⁾, the Agency shall take into account the evaluation of the research, development, artistic and other creative activities of the higher education institution in the framework of the last comprehensive accreditation of the university's activities carried out under the regulations in force until 31 October 2018 in the context of the last comprehensive accreditation of the university's activities carried out under the regulations in force until 31 October 2018.

(8) The Ministry of Education will launch a first selection procedure to fill the post of Chairman of the Executive Board by 31 December 2018. The Minister for Education shall appoint the first Chairman of the Executive Board within 14 days of the publication of the outcome of the selection procedure in which the selection board has selected the candidate for the position of Chairman of the Executive Board; members of the Executive Board may be appointed only after the appointment of the Chairperson of the Executive Board.

(9) The Council of Higher Education, the Slovak Rectors Conference, the Student Council of Higher Education and employers' representatives pursuant to Section 7(4) shall propose the members of the Executive Board to the Ministry of Education by 1 February 2019. The Minister for Education shall appoint the first members of the Executive Board, in addition to the President of the Executive Board, by 28 February 2019. The President of the Executive Board shall propose to the Minister for Education for the appointment of the Vice-Chair of the Executive Board by 31 March 2019 and the Minister for Education shall appoint him by 15 April 2019. The term of office of the first Chairperson of the Executive Board and of the first Vice-Chairman of the Executive Board shall be six years. After the first appointment of the members of the Executive Board, two members, whose term of office shall be two years and two members whose term of office shall be four years, shall be designated by lot from the other members of the Executive Board; the term of office of the remaining members of the Executive Board shall be six years.

(10) The Minister for Education shall, until 1 December 2018, appoint a natural person who, until the appointment of the first President of the Executive Board, is the statutory body of the Agency, exercises the functions of the Chairperson of the Executive Board and exercises the responsibilities of the Head of the Office until the appointment of the first Head of Office; only those who fulfil the requirements for membership of the Executive Board or the Head of Office may be entrusted.

(11) The first selection procedure for the post of head of office, the first selection procedure for the appointment of members of the Board of Appeal and the first selection procedure for the appointment of controllers shall be announced by the competent authority by 15 June 2019.

(12) The first rules of procedure of the Appeals Board shall be drawn up and approved by the Executive Board.

(13) Until 31 December 2018, in order to prove good repute, a candidate in a competition to fill the post of President of the Executive Board, a candidate in a competition to fill the post of member of the Board of Appeal or a candidate in a competition to fill the post of controller shall submit to the Ministry of Education, instead of the data necessary to request an extract from the criminal record, an extract from the criminal record not older than three months with an application for the competition; a candidate in a competition for the post of head of office shall submit it to the Agency. In the case of a candidate for appointment as a member of the Executive Board, an extract from the criminal record shall be submitted to the Ministry of Education together with a proposal for his appointment.

(14) The Agency shall, by 31 December 2022, request

- a) membership of the European Association for Quality Assurance in Higher Education; and
- b) enrolment in the European Quality Assurance Register for Higher Education.

PARAGRAPH 39

Transitional provisions for the adaptations effective from 1 January 2022

(1) Where proceedings under Section 21(1) have been initiated and not lawfully closed by 31 December 2021, the Agency shall proceed pursuant to Section 21(7) in the version in force until 31 December 2021.

(2) The Agency shall be entitled, at the request of the higher education institution, at the time of submission of the first information by the higher education institution pursuant to Section 37(1) of the fact that it has brought its internal system into line with the standards for the internal system, but no later than 31 August 2022, to enter in the register of study programmes changes to the study programme data if these changes result from the need to align study programmes with the standards for the study programme; the Agency shall be authorised to register the following changes to study programme data:

- a) a change in the field of study or a combination of two fields of study in which the completion of the study programme obtains a university degree, if this change is justified in the context of the transformation of the system of fields of study;
- b) changing the place of delivery of the study programme from a place other than that of a university or faculty to a place of residence at a university or faculty;
- c) a change in the name of the university or faculty at which the study programme takes place;
- d) changing the title of the study programme if the new title better describes the content of the learning.

Art. II

Act No 343/2015 on public procurement and amending certain acts, as amended by Act No 438/2015, Act No 315/2016, Act No 93/2017, Act No 248/2017, Act No 264/2017 and Act No 112/2018, is amended as follows:

1. In Section 8, paragraphs 2 and 4 are deleted.
The existing paragraphs 3 and 5 are renumbered 2 and 3.
2. In Section 8(2), the words 'paragraphs 1 and 2' are replaced by 'paragraph 1'.
3. The following Section 187d is inserted after Section 187c, including the heading:

'Paragraph 187d

Transitional provisions for modifications to the effective declaration dates

(1) A person under Section 8(2) in accordance with the provisions in force before the date of entry into force of this Act shall be entitled to cancel a contract award procedure in which a call for tenders was sent for publication before the date of entry into force of this Act or a contract award procedure which has been demonstrably commenced before the date of entry into force of this Act; this shall not apply if the successful tenderer or successful tenderers have been notified that their tender or tenders are accepted. The provisions of Paragraph 57 are without prejudice to this.

(2) The procedure relating to the person and the award procedure referred to in paragraph 1 shall be terminated by the Office.'

Article III

This Act shall enter into force on the date of the declaration, except for Article I, which shall enter into force on 1 November 2018.

Andrej Danko v. r.

Peter Pellegrini v. r.

- 1) Section 23a of Act No 431/2002 on accounting, as amended.
- 2) Section 3(2) of Act No 103/2007 on tripartite consultations at national level and amending certain acts (the Tripartite Act).
- 3) Section 26a of Act No 172/2005 on the organisation of state support for research and development and amending Act No 575/2001 on the organisation of government activities and the organisation of central state administration, as amended, as amended.
- 4) Section 5 of Act No 552/2003 on the performance of work in the public interest, as amended.
- 5) Section 10(4)(a) of Act No 330/2007 on criminal records and amending certain acts, as amended by Act No 91/2016.
- 6) Act No 431/2002, as amended.
- 7) Act No 176/2004 on the management of the property of public institutions and amending Act No 259/1993 of the National Council of the Slovak Republic on the Slovak Forestry Chamber, as amended by Act No 464/2002.
- 8) Act No 357/2015 on financial control and audit and amending certain acts.
- 9) Section 76(10) of Act No 131/2002 on higher education institutions and amending certain acts, as amended.
- 10) Section 50(4)(g) of Act No 131/2002, as amended by Act No 270/2018.
- 11) Section 88a of Act No 131/2002, as amended by Act No 270/2018
- 12) Section 47(9) of Act No 131/2002, as amended by Act No 270/2018.
- 13) Section 49a of Act No 131/2002, as amended.
- 14) Section 1(1)(c) of Act No 278/1993 of the National Council of the Slovak Republic on the administration of State property, as amended.

