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COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

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LAW

of 11 September 2018

**on quality assurance of higher education and on
amendments to 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:

Article I

**FIRST PART
BASIC PROVISIONS**

§ 1

Subject of the law

This Act governs the internal system of quality assurance 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 proceedings, the granting of accreditation of the study programme, the granting of accreditation of the habilitation procedure and the accreditation of the procedure for the appointment of professors (hereinafter referred to as "the inauguration procedure").

§ 2

Definitions

For the purposes of this Act, it shall be understood as:

- a) standards for the internal system, a set of requirements for the internal system and the way in which it is implemented;
- b) standards for the study programme, a set of requirements, the fulfilment of which is subject to the granting of accreditation of the study programme,
- c) standards for habilitation and inaugural proceedings a set of requirements, the fulfilment of which is subject to the granting of accreditation of habilitation procedure or accreditation of inaugural proceedings,
- d) a methodology for the evaluation of standards, a set of procedures, criteria and indicators which, through the review panels of the Executive Board of the Agency (hereinafter referred to as "the review panel") and the Agency's staff, evaluate the fulfilment of 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 measure");

e) by accreditation of the study programme, the authorisation to carry out the study programme and to award its graduates the corresponding academic degree,

- f) by accreditation of habilitation proceedings, authorisation to conduct habilitation proceedings in the field of habilitation proceedings and inaugural proceedings,
- g) by accreditation of inaugural proceedings, authorisation to conduct inaugural proceedings in the field of habilitation and inaugural proceedings,
- h) by modifying the study programme, supplementing or removing compulsory courses or compulsory optional courses, changing the conditions for the proper completion of studies or modifying the information sheet of the compulsory course or the compulsory optional course, except
 1. teacher modification,
 2. recommended literature and
 3. the type, scope and methods of educational activities.

§ 3

Internal system

(1) The HEI ensures the quality of the higher education provided by implementing 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 through

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

3) The internal system regulates the rules of

- a) the establishment, approval, implementation and modification of each study programme, which
 1. ensure that the area of knowledge according to the field of study or combination of fields of study in which graduates acquire a university degree is taken into account;
 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 representatives of students, employers from the relevant sector of the economy and other stakeholders in the establishment and modification of the study programme;
 4. ensure the definition of the knowledge, skills and competences to be acquired by the graduate in their studies (hereinafter referred to as "higher education outcomes") corresponding to the relevant level of the national qualification's framework;
 5. ensure compliance with the standards for the study programme;
- b) the selection of teachers of individual courses of study programmes,
- c) the admission procedure,
- d) approval of supervisors of final theses;
- e) student assessments so that there are no 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. the effectiveness of student assessment criteria and rules;
 3. higher education results 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 that he or she considers

to have been violated by the activity or inactivity of a HEI, part of a higher education institution or HEI staff; or

2. the student points to specific shortcomings in the activity or inactivity of the HEI, part of the HEI or staff of the HEI, in particular infringement of legislation or violation of internal regulations of the HEI or its part;
- h) the performance of the creative activity of the HEI and the participation of students in it and the requirements for the level and scope of creative activity of the higher education institution with regard to its mission,
- i) cooperation with specialised teaching facilities for practical teaching and how to verify their implementation;
- j) cooperation with external educational institutions involved in the implementation of the third-level study programme, if the HEI carries out a third-level study programme in cooperation with an external educational institution or wishes to do so 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 institution's arts;
- m) verification of sufficient spatial, material, technical, information and personnel provision of the implementation of study programmes,
- n) collecting, analysing and using the 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).

SECOND PART AGENCY

§ 4

(1) The Agency shall be established as an independent body governed by public law which carries out external quality assurance activities in higher education. The Agency is a legal entity based in Bratislava.

(2) The Agency

- a) decides on
 1. the consistency of the internal system and its implementation with the standards for the internal system,
 2. granting or non-granting the accreditation of the study programme;
 3. the granting of accreditation of the habilitation procedure and its non-granting or withdrawal;
 4. the granting of accreditation of the inaugural procedure and of its non-granting or withdrawal;
 5. the imposition of a corrective measure;
 6. the discontinuation of the application for authorisation to act as a private higher education institution (hereinafter referred to as "State approval");
- b) provides to the Ministry of Education, Science, Research and Sport of the Slovak Republic (hereinafter referred to as "Ministry of Education")
 1. comments on the request for state consent,
 2. incentives to adjust the standards,
 3. comments on proposals relating to higher education;
 4. information on facts indicating academic fraud or participation in academic fraud,¹⁾
- c) administrates the list of:
 1. reviewers from which the Executive Board of the Agency (hereinafter referred to as the Executive Board) forms review panels;

2. legal persons who 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 standards for the internal system (hereinafter referred to as the “internal system assessment”) shall be automatically recognised by the Agency,
- d) monitors the compliance with the standards;
 - e) publishes
 1. the standards,
 2. the methodology for the evaluation of standards;
 3. the principles for inclusion in the list of reviewers, which govern, in particular, the procedure for inclusion in the list of reviewers and the requirements for inclusion in the list of reviewers;
 - f) lists in the Register of Study Fields and in the Register of Study Programmes;
 - g) develops
 1. a draft schedule of fees for acts of the Agency (hereinafter referred to as “Fee schedule”) and a proposal for its amendment,
 2. analysis of the development of the higher education system in the Slovak Republic, including surveys among students, higher education employees, employers and other entities concerned, and analysis of internal assessment reports on internal systems,
 3. annual report on the activities and management of the Agency;
 - h) publishes on its website
 1. standards and methodology for the evaluation of standards;
 2. the Agency's internal rules;
 3. the fee schedule,
 4. the forms of applications referred to in Section 21(1)(a) and (b) and the internal evaluation report, including the form and manner of their delivery,
 5. information on the initiation of proceedings pursuant to Section 21(1);
 6. applications pursuant to Section 21(1)(a) and (b),
 7. the evaluation reports of the review panels after discussion in the Executive Board;
 8. documents for the Agency's decision or observations and for the observations of the Agency's Board of Appeal (hereinafter referred to as “Appeal Board”);
 9. the Agency's decisions and the Agency's comments 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 in accordance with Section 20(7).

(3) The Agency is obliged to:

- a) request an assessment of its activities at least every five years by the European Association for Quality Assurance in Higher Education;
- b) ensure the proven professional development of its staff, members of its bodies and reviewers within the scope of the Agency's competences;
- c) publish draft principles for inclusion in the list of reviewers, exclusion from the list and creation of review panels on its website for at least 30 days, evaluate comments received during that period and publish their evaluation together with the agreed text of the principles;
- d) publish the draft schedule of fees and the proposal to amend it on its website for at least 30 days, and the comments received during this period should be evaluated and their evaluation, together with the proposal, submit to the Ministry of Education;
- e) inform the Ministry of Education and Higher Education Representation bodies without delay of any proposal

it publishes on its website;

- f) deposit the annual accounts approved and the annual activity and management report of the Agency in the public part of the register of accounts; the annual accounts 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) Auditor,
- f) Head of Office.

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

(1) The Chairman of the Executive Board shall be the statutory body of the Agency. The Chairman of the Executive Board shall manage the Agency, act on its behalf and represent it externally. The Chairman of the Executive Board shall be represented in his/her absence by the Vice - Chairman of the Executive Board.

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

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

(4) If the Chairman of the Executive Board ceases to hold office before the expiry of his or her term of office as a member of the Executive Board, until the appointment of a new Chairman of the Executive Board, the Deputy Chairperson of the Executive Board shall perform the tasks of the Chairperson of the Executive Board in full.

(5) If the vice-chairman of the Executive Board ceases to hold office before the expiry of his or her term as a member of the Executive Board and the function of the Chairman of the Executive Board is not filled, until the end of the original term of office of the Vice-Chair of the Executive Board, the Chair of the Executive Board shall be fully discharged by a member of the Executive Board appointed by the Minister for Education.

(6) The Vice-Chairman of the Executive Board may resign from this function even without renouncing membership in the Executive Board. The resignation of the Chairman of the Executive Board is also the resignation of membership in the Executive Board.

§ 7 Executive Board

(1) The Executive Board shall have nine members, including the Chairman of the Executive Board and the Vice-Chairman of the Executive Board. 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 institutions and two members on the proposal of the Slovak Rector's Conference from persons

who are internationally recognised experts in the field of their activities, two members on the proposal of the Student Council of Higher Education and two members on the proposal of representatives of employers; the ninth member shall be the Chairman of the Executive Board.

(2) The Council of Higher Education Institutions, the Slovak Rector's Conference and the Student Council of Higher Education submit each two proposals with 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 of Education and request a new proposal only if the proposed candidate does not meet the conditions set out in 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 set out in paragraph 6.

(4) Proposals for members of the Executive Board on behalf of employers' representatives

- 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⁾ except for HEIs and organisations of the Slovak Academy of Sciences,
- e) state-recognised churches and religious societies.

(5) As a member of the Executive Board may be appointed any person on a proposal from the Council of higher education institutions, the Slovak Rector's Conference and the representatives of employers who

- a) is blameless,
- b) has full legal capacity;
- c) has a third degree of higher education, and
- d) is present at the time of the proposal for appointment or has served for at least the previous 15 years
 1. five years as a professor at a HEI based in the territory of the Slovak Republic;
 2. five years as a professor or in a similar position at a HEI located 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 HEI with its registered office outside the territory of the Slovak Republic, or
 7. ten years in the management of a legal entity.

(6) A person who meets the conditions laid down in paragraph 5 may be appointed as one member of the Executive Board appointed on a proposal from the Student Council of higher education institutions. A person may be appointed as the second member appointed on a proposal from the Student Council of Higher Education, who

- a) is blameless,
- b) has full legal capacity; and
- c) has a first degree of higher education.

(7) Nominations for members of the Executive Board, in addition to the nominee for the Chairman of the Executive Board, shall be submitted to the Minister of Education within the deadline 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 this 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 under paragraph 5 or paragraph 6, the Minister of Education shall invite the entities concerned to submit additional 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 submitted, or if, for objective reasons, it is not possible to appoint a member of the Executive Board after the expiry of that period, the Minister for Education shall appoint an appropriate number of members of the Executive Board without proposals from persons meeting the conditions under paragraph 5.

(9) The term of office of a member of the Executive Board shall be six years. The same person may serve as a member of the Executive Board for a maximum of two terms. A member of the Executive Board may not be appointed as a member of the Board of Appeal for the following four years after the end of that office. Upon termination of membership of the Executive Board, propose to the Minister for Education the appointment of a new member to whom the current member of the Executive Board has been or should have been appointed; this shall not apply to the Chairperson of the Executive Board.

(10) Executive Board

- a) take decisions pursuant to Section 4(2)(a);
- b) accept statements pursuant to Section 4(2)(b);
- c) approves the proposal of:
 1. the standards and a proposal to amend them submitted by the Chairman of the Executive Board,
 2. the methodology for the evaluation of standards and the proposal for its amendment submitted by the Chairman of the Executive Board,
 3. the schedule of fees and a proposal for its amendments before its submission for approval to the Ministry of Education,
 4. the Agency's budget,
 5. financial statements;
 6. the distribution of profit or loss or the settlement of profit or loss;
 7. the Agency's annual activity and management report;
- d) approve the Agency's internal rules and amendments thereto, except the Rules of Procedure of the Board of Appeal, including:
 1. the Statute of the Agency, on a proposal from the Chairman of the Executive Board,
 2. the Agency's organizational rules,
 3. the Rules of Procedure of the Executive Board,
 4. the management of conflicts of interest for members of the Agency's collective bodies, members of the review panels and staff of the Agency;
 5. the internal quality assurance system for the Agency's activities;
 6. principles for inclusion, exclusion and setting up of review panels of the Executive Board;
 7. the Agency's management rules and rules for the conduct of business activities;
- e) includes persons on the list of reviewers and removes them from the list;
- f) monitors the compliance with the Agency's internal quality assurance system;
- g) methodologically guide, manage and coordinate the work of the review panels;
- h) may set up permanent or temporary advisory bodies;
- i) perform other tasks under this Act or internal regulations of the Agency.

§ 8

(1) For the purposes of assessing a specific application, the Executive Board shall form review panels from the persons included in the list of reviewers, except in the case referred to in Section 24(6); the Chairman and

the members of the review panel shall be appointed and dismissed by the Chairman of the Executive Board with the prior consent of the Executive Board. The Executive Board may also set up a review panel to examine the initiative of the Agency or to verify the measures taken by the higher education institution where examination or verification by the Agency's staff is not sufficient for these tasks.

(2) The Chairman of the Executive Board shall appoint at least one student to each review panel; this does not apply to the granting or withdrawal of the accreditation of the habilitation procedure and the granting or withdrawal of the accreditation of the inaugural procedure. If a member of a review panel loses a student status and this review panel consisted only of that one student, the Chairman of the Executive Board

- a) appoints another student to the review panel without delay;
- b) may dismiss the member of the review panel concerned, on a proposal from the chair of the review panel concerned, even without the approval of the Executive Board; and
- c) notify changes in the composition of the review panel referred to in points (a) and (b) of the higher education institution.

(3) When setting up a review panel, the type of procedure shall be taken into account. Where the Agency assesses the internal system, the setting up of a review panel shall take into account the fields of study in which the HEI carries out 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 review panel. Where the Agency decides on the accreditation of the habilitation procedure or on the accreditation of the inaugural procedure, the study field referred to in the application for accreditation of the habilitation procedure and the accreditation of the inaugural procedure shall also be taken into account when setting up a review panel. If the Agency decides on the accreditation of a third-level study programme or on the accreditation of habilitation proceedings or on the accreditation of inaugural proceedings, the chairman of the Executive Board shall also appoint at least one foreign reviewer to the review panel.

(4) The Chairman of the Executive Board shall communicate the draft composition of the review panel to the party to the proceedings. A party may, within five working days from the date on which the composition of the review panel was notified, submit a reasoned written objection of bias to a member of the review panel, together with documents proving its merits; this shall not apply in the case of an additional member of the review panel. If an objection of bias to a member of a review panel is well-founded by the Executive Board, the Chair of the Executive Board shall remove that member of the review panel and appoint a new member of the review panel without delay.

(5) A person may be included on the list of reviewers for a period of six years with his or her written consent, including repeatedly. A reviewer may be removed from the list of reviewers before the expiry of the period for which it has been included, at the request or on the initiative of the Agency.

(6) A member of the Executive Board, a member of the Board of Appeal, the Auditor and the Head of the Office may not be included in the list of reviewers. The Agency shall remove from the list of reviewers a reviewer who has been appointed as a member of the Executive Board, member of the Board of Appeal, Auditor or Head of Office.

§ 9

Board of Appeal

(1) The Board of Appeal shall review the procedures of the Executive Board and the review panels on the basis of objections raised by a party to the proceedings on decisions or on the submissions 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; appoint alternates in the order of the first two unsuccessful candidates who have met the requirements and criteria for filling the duties of a member of the Board of Appeal pursuant to paragraph 6. The Minister of Education shall appoint the members of the Board of Appeal within 60

days of the publication of the results of the selection procedure.

(3) The term of office of a member of the Board of Appeal shall be four years. The same person may serve as a member of the Board of Appeal for a maximum of two terms.

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

(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 also be made to:

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

(6) In the case of two additional members of the Board of Appeal and alternates, in addition to the conditions laid down in paragraph 4, the appointment shall be at least five years.

- a) as a professor or associate professor at a university based in the territory of the Slovak Republic; or
- b) as a professor or associate professor at a university located outside the territory of the Slovak Republic or in a similar position.

(7) A member of the Board of Appeal shall be replaced by an alternate if he or she has been excluded from adjudication on grounds of bias or for any other reason if the Statute of the Agency so determines; the alternate shall be a full member of the Board of Appeal.

(8) The Rules of Procedure of the Board of Appeal shall be adopted by the Board of Appeal after a prior statement by the Executive Board.

§10 Auditor

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

(2) Auditor

- a) controls the management of the Agency;
- b) comments on the Agency's annual activity and management report before submitting it to the Executive Board; if the Auditor does not comment on the draft annual activity and management report of the Agency within the time limit specified in the Agency's Statute, the Executive Board may approve it without the Auditor's opinion;
- c) comments on the accounts before submitting them to the Executive Board; if the Auditor does not comment on the draft accounts within the time limit specified in the Statute of the Agency, the Executive Board may approve them without the Auditor's opinion,
- d) makes proposals to the Chairman of the Executive Board to remedy the deficiencies identified;
- e) performs other tasks under this Act or internal regulations of the Agency.

(3) A person may be appointed as a Auditor who

- a) is blameless,
- b) has full legal capacity;
- c) has at least a second degree of higher education; and
- d) has at least five years' management experience in a legal entity.

(4) The term of office of the Auditor shall be four years. No more than two consecutive terms of office may be appointed as the Auditor.

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

§ 11

Head of 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 office

- a) ensures the proper functioning of the Agency, including administrative, technical, spatial and personnel security,
- b) manages the Agency's office to the extent determined by the Chairman of the Executive Board;
- c) makes a proposal to the Executive Board
 1. the Agency's budget,
 2. the distribution of profit or loss or the settlement of profit or loss;
- d) submits to the Auditor and the Executive Board the draft accounts and the draft annual report on the Agency's activities and management; it shall be submitted to the Executive Board by the Auditor for the deliberations of the Executive Board;
- e) it shall carry out other tasks assigned to it by the Agency's Statute or by any other internal regulation of the Agency.

(3) A person may be appointed as head of the office, who

- a) is blameless,
- b) has full legal capacity;
- c) has at least a second degree of higher education; and
- d) has at least five years' management experience in a legal entity.

(4) When the Agency does not have a head of office, his/her powers shall be exercised until the appointment of a new head of office by a staff member of the Agency appointed by the Chairman of the Executive Board.

§ 12

Common provisions on the bodies of the Agency and the review panel

(1) The Executive Board and the Board of Appeal shall adopt their conclusions in the form of resolutions only at their meeting; in the case of the creation of a review panel, the resolution may also be adopted outside the meeting. The meeting may also be held by videoconference or other means of information and communication technology without the physical presence of the members of the Executive Board or of the Appeal Board. A resolution of the Executive Board shall be adopted if at least seven members of the Executive Board vote in favour. A resolution of the Board of Appeal shall be adopted if it is adopted by a majority of more than half of the members of the Board of Appeal. If the Executive Board does not adopt a resolution in the accreditation procedure, this means not granting the relevant accreditation. Failure of the Board of Appeal to adopt an order shall mean confirming the decision or confirming the Agency's statement.

(2) A member of the Executive Board, a member of the Board of Appeal, the Auditor and a member of the review panel shall proceed independently in the proceedings, and shall not be bound by the instructions of the person who proposed him or her for appointment or by the person who appointed him.

§ 13

(1) The function of a member of the Executive Board, the function of a member of the Board of Appeal, the function of Auditor and the function of Head of Office are incompatible with the function of:

- a) the Rector and Vice-Rector; this also applies to the person entrusted with the function of rector;
- b) the statutory body of a private higher education institution,
- c) a member of the board of directors of a public HEI or a member of the board of directors of a private HEI;
- d) a member of the Scientific Council of the HEI, the Arts Council of the HEI or the Scientific and Arts Council of the HEI (hereinafter referred to as the "Scientific Council of the HEI") or the collegial body of the faculty responsible for the habilitation procedure;
- e) the Dean; this also applies to the person entrusted with the function of the Dean;
- f) the head of the HEI,
- g) the finance officer (quaestor) of the HEI,
- h) the head of the HEI's staff, the head of the 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 a self-governing regional council, a member of a municipal council or a member of a local council,
- k) a 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,
- o) the chairman, head or director of a central government body or a state administration 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 functions of Chairman of the Executive Board, the function of Vice-Chairman of the Executive Board, the function of a member of the Board of Appeal pursuant to Section 9(5) and the function of Head of the Office shall be incompatible with the employment relationship with a HEI established in the territory of the Slovak Republic or with another employment relationship with a HEI based in the territory of the Slovak Republic.

(3) The function of member of the Executive Board shall be incompatible with that of a member of the Board of Appeal, the function of Auditor and the post of Head of the Office. The post of member of the Board of Appeal shall be incompatible with that of Auditor and head of office. The off of head of the office shall be incompatible with that of the Auditor.⁴

§ 14

(2) Selection procedure to fill the post of:

- a) the Chairman of the Executive Board shall be promulgated by the Ministry of Education no later than 90 days before the end 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 end of the term of office of a member of the Appeals Board;
- c) the Auditor shall be declared by the Ministry of Education no later than 90 days before the end of the term of

⁴ If a person is to become a member of the Executive Board, a member of the Board of Appeal, a Auditor or Head of the Office and performs a post or activity incompatible with that function, he shall cease to perform such activity no later than the date of appointment. A member of the Executive Board, a member of the Board of Appeal, the Auditor and the Head of the Office shall notify in writing, within 30 days of his/her appointment, that he fulfils the conditions of incompatibility of his/her duties. A member of the Executive Board, a member of the Board of Appeal and the Auditor shall deliver written notice to the Minister of Education, the Head of the Office to the Chairman of the Executive Board.

office of the Auditor;

d) the Head of the Office shall be designated by the Chairman of the Executive Board no later than one month after the end of his duties as Head of Office.

(3) If the term of office of Chairman of the Executive Board, Auditor or member of the Board of Appeal ends before the end of his or her term of office, the selection procedure shall be announced within 30 days of the end of that office.

(4) Selection commission for the selection procedure to fill the post of:

- a) the Chairman of the Executive Board shall be appointed by the Minister for Education; one member on the proposal of the Council of the Higher Education institutions, one member on the proposal of the Slovak Rector's Conference, one member on the proposal of the Student Council of Higher Education, one member on the proposal of a representative employers' association and one member without a proposal,
- b) a member of the Board of Appeal shall be appointed by the Minister for Education; one member on the proposal of the Council of the Higher Education institutions, one member on the proposal of the Slovak Rector's Conference and one member on the proposal of the Student Council of Higher Educations,
- c) the Auditor shall be appointed by the Minister for Education; one member on the proposal of the Council of the Higher Education institutions, one member on the proposal of the Slovak Rector's Conference and one member on the proposal of the Student Council of Higher Educations,
- d) the Head of the Office shall be appointed by the Chairman 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 submitted only with his or her prior written consent.

(6) The candidate shall attach to the application for competition for the post of Chairman of the Executive Board, the post of Auditor, the post of Head of the Office or the post of member of the Board of Appeal

- a) structured curriculum vitae;
- b) a document proving that the required higher education has been obtained;
- c) a declaration on honour that the condition of professional experience has been fulfilled, specifying the person with whom that experience has been carried out;
- d) a declaration on honour of compliance with the conditions laid down in Section 13 (1) to (3);
- e) a project for the management and development of the Agency, in the case of a candidate for the function of Chairman of the Executive Board;
- f) other documents referred to in the notice of invitation for the selection procedure.

(7) The selection procedure for the post of Chairman of the Executive Board shall include a public hearing of the candidates, in which the applicant presents the Agency's management and development project. A candidate who meets the requirements of Section 7(5) and whose application contains the annexes referred to in paragraph 6 shall be invited to a public hearing by the Ministry of Education at least seven days before the date, place and hour of the public hearing.

(8) Publish the outcome of the selection procedure on its website within 10 days of its completion

- a) the Ministry of Education, in the case of the Chairman of the Executive Board, the Auditor 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 Office shall be employed by the Agency; the Chairman of the Executive Board, the Vice-Chairman of the Executive Board and the Head of the Office for an established weekly working time may also agree on a part-time working contract with the other members of the Executive Board.

(2) The employment relationship of a member of the Executive Board and the Head of the Office with the Agency shall be established on the date which was designated as the day on which he took up his duties, if he/she was not a staff member of the Agency at the time of appointment.

§ 16

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

- a) the expiry of the term of office; this shall not apply in the case of the Chairman of the Executive Board who, after the expiry of his term of office, shall exercise that office until the appointment of a new Chairman of the Executive Board or of the Head of the Office;
- b) the expiry of the calendar month in which written notice of resignation was received by the Minister for Education or, in the case of the head of the office, to the Chairman of the Executive Board, unless the notice indicates a later date of resignation; the Minister for Education shall immediately notify the Executive Board thereof,
- c) the date of appeal,
- d) by appointment to a post which is incompatible with the post in question,
- e) loss of integrity,
- f) the finality of the court's decision limiting the capacity to legal acts necessary for the performance of the relevant function; or
- g) death or declaration of death.

(2) The Minister for Education may dismiss a member of the Executive Board, on a proposal from the Executive Board or the Auditor, if a competent authority finds that a member of the Executive Board has infringed the legislation or internal rules of the Agency in relation to the performance of his or her duties. The Executive Board may dismiss the Head of the Office if it finds that there has been an infringement of the Agency's legislation or internal rules in connection with the performance of his or her duties. The Minister of Education may dismiss a member of the Board of Appeal or the Auditor if he finds that, in connection with the performance of his duties, he has infringed the laws or internal regulations 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 Auditor ends before its normal expiry, the term of office of the newly appointed member or Auditor shall end on the day on which the term of office of the previous member or Auditor should have ended; this shall not apply to the Chairman of the Executive Board.

(4) For the purposes of this Act, a person who has not been finally convicted of an intentional offence and one whose conviction has been extinguished shall be considered to be of good repute.

(5) Integrity shall be proved by an extract from the criminal record. A person who, for the last three years, has stayed for more than 90 days for six consecutive months outside the territory of the Member States of the European Union shall also submit an extract from the criminal record of the State in which he/she resided during that period. Where the competent authorities of third States do not issue such a document, the extract from the criminal record of that State shall be replaced by a similar document issued by the competent authority not older than three months.

(6) In order to demonstrate 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 for appointment as a member of the Board of Appeal or a candidate in a competition to fill the post of Auditor shall provide the information necessary to request an extract from the criminal record⁵ to the Ministry of Education; a

candidate in a competition to fill 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 without delay by the Ministry of Education or the Agency in electronic form via electronic communication to the Public Prosecutor's Office of the Slovak Republic for the issue of an extract from the criminal record.

(7) In accordance with points (d) to (f) of paragraph 1, a member of the Executive Board, a member of the Board of Appeal, the Auditor and the Head of Office shall be required to notify the Chairman of the Executive Board without delay; the Chairman of the Executive Board shall notify them without delay to the Minister of Education.

§ 17

(1) The Chairman of the Executive Board shall be entitled to a monthly salary of 4 times the average monthly wage in the economy of the Slovak Republic determined by the Statistical Office of the Slovak Republic for the preceding calendar year, for the Deputy Chairman of the Executive Board in the amount of 3 times such salary and to the head of the office in the amount of 2.5 times such salary; the salary 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 is entitled to a monthly salary in the amount according to the internal regulation of the agency.

(3) A member of the review panel is entitled to a reward for preparing an evaluation report for the purposes actions of the agency. A member of the Board of Appeal appeal is entitled to a fee for assessing the participant's objections proceedings. The amount of the remuneration of the member of the review panel and the member of the Board of Appeal will be adjusted by the internal agency regulation.

(4) The Auditor is entitled to a monthly remuneration in the amount of one half of the average monthly salary employee in the economy of the Slovak Republic as determined by the Slovak Statistical Office of the Republic for the previous calendar year.

(5) Performance of the function of a member of the executive board except for the chairman of the executive board and vice chairman of the executive board and the performance of the function of a member of the review panel is another act in the 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 Auditor and the reviewers.

A) first name and surname,

B) academic title, scientific-pedagogical degree, artistic-pedagogical degree or scientific rank;

C) date of birth,

D) the place of permanent residence or, in the case of a foreigner, 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 reviewers;

G) an indication, at the request of whom he was appointed,

H) the name of the field of study in which it operates pedagogically, scientifically or artistically;

the name of the field of study in which he obtained the university degree; if he has undergone habilitation

I) the name of the field of study in which he/she received his/her higher education; if he completed the habilitation procedure or the inaugural procedure, also the name of the department of the habilitation procedure and the inaugural procedure proceedings in which the proceedings took place

J) employer identification data

K) identification data about the HEI of which he is a student, if he is a student

L) the name of the field of study in which the study program is conducted enrolled student, if it is a student,

M) information about membership in the review panel, if it is an reviewer, with a link to the published one the submitted application, which is assessed or assessed and for the evaluation report, to be drawn up in which

he/she participated

N) information about the reviewer's education completed as part of professional development

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

(3) For the purposes of carrying out the Agency's activities, a member of the Executive Board, a member of the Board of Appeal, a member of the review panel and the Chairman of the Executive Board shall have the right to enter academia, to consult, to the extent necessary, the files of students, HEI teachers, researchers and artists, to be present at the HEI's educational activities and to process personal data contained in the documents for the decision.

(4) For the purpose of supervising compliance with the standards, specifically authorised staff of the Agency are authorised to process data from the Central Register of Students, the Register of Employees of Higher Education, the Central Register of Final Thesis, Rigorous Thesis and Habilitation Thesis, the Central Register of Publication Activities, the Central Register of Records of Art Activities and the Register of Study Programmes to the full extent and to make them available to the members of the Executive Board, the review panel and the Appeal Board to the necessary extent.

(5) For the purposes of Section 4(2)(g) second point, specifically authorised staff of the Agency shall be authorised to process data from the registers referred to in paragraph 4 and the Agency shall be authorised to publish them as statistical data in an anonymised form.

§ 19

Financing of the Agency

(1) The Agency's funds are kept in the 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 specific legislation.⁶⁾

(3) The Agency's revenue is mainly

- a) fees for the activities of the Agency,
- b) funds from the state budget from the chapter of the Ministry of Education under the State Budget Act for the relevant financial year to ensure its activities;
- c) income from business activity,
- d) other income.

(4) The schedule of fees and its amendments shall be approved by the Ministry of Education, taking into account the Agency's estimated costs associated with the Agency's actions. Where the evaluation report is drawn up pursuant to Paragraph 24(6), the amount of the fee for examining the application shall take into account the fact that the evaluation report has not been drawn up by a review panel.

(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. In addition to the identification of the parties, the contract shall contain, in particular,

- a) the purpose for which the funds are provided and other conditions for their use;
- b) the amount of funds,
- c) the time and method of granting the funds;
- d) the date by which the Agency shall submit to the Ministry of Education a settlement of the funds.

§ 20

Management of the Agency

(1) The Agency shall manage in accordance with the revenue and expenditure budget established and authorised for the calendar year in question.

(2) The Agency is obliged to use its property for the performance of its duties, to keep the property in good condition, to use legal means to protect it and to ensure that it is not destroyed, damaged, lost or misused.

(3) The Agency may not

- a) to provide loans or loans;
- b) to guarantee the payment of bills of exchange, to issue, acquire and receive bills of exchange,
- c) issue bonds,
- d) enter into credit, loan or other relationships as guarantor;
- e) to make deposits of money or non-monetary deposits to a legal entity other than the State Treasury,
- f) lease the property of the Agency for more than four years;
- g) secure their obligations by creating a lien; and
- h) to participate in the formation of a company or to set up a company itself.

(4) The disposal of the property of the Agency shall be governed by a special regulation, subject to article 3. The role of the self-governing body in the management of the Agency's assets shall be performed by the Executive Board.

(5) Monitoring of the management of the Agency pursuant to a special regulation is carried out by the Ministry of Education. The Ministry of Finance of the Slovak Republic and the Office of Government may conduct a government audit in the Agency.

(6) The Chairman of the Executive Board shall be responsible for the purposeful 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.

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

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

PART THREE PERFORMANCE OF THE AGENCY'S COMPETENCES

§ 21

(1) The Agency shall initiate proceedings on

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

inaugural procedure.

(2) The participant to the proceedings is

- a) public HEI,
- b) State HEI,
- c) a private HEI or
- d) applicant for state consent.

(3) The Agency's procedure initiated on the basis of an application shall start on the date of receipt of the complete application by the Agency, including the payment of the fee. If the request is incomplete, the Agency shall set a time limit of at least 30 days to complete the request, after which the Agency shall refuse the request by decision. The Agency's action on its initiative shall begin on the day of the Agency's first act to the HEI.

(4) If the participant of proceedings does not to pay the fee for the act of the Agency at the latest together with the submission of the application, the Agency shall invite the participant to the proceedings to pay it within 60 days of receipt of the request. If participant of proceedings does not pay it within that period, the Agency shall reject the request by decision.

(5) The review panel shall draw up an evaluation report on the request or on the initiative, on the basis of which the Executive Board shall decide or comment. The review panel bases its evaluation report on an expert assessment of the evidence, information obtained from the HEI visit, available data and stakeholder consultation. In the evaluation report, the review panel shall also set out the facts underlying its conclusions, the procedure for evaluating those documents, the assessment of the level of compliance with the various standards, the shortcomings identified, the recommendations made to the participant of proceedings, the draft decision or statements of the Agency and the names and surnames of the members of the review panel.

(6) A participant to the proceedings shall have the right to submit an opinion on the evaluation report within the time limit set by the Agency, at least 15 working days from the date of receipt of the evaluation report by the participant to the proceedings.

(7) The Agency shall decide or make its views known within one year from the date of initiation of the proceedings; the Agency may extend this time limit once by 30 days and shall notify the participant of proceedings . The time limit does not run between the time between the submission of an objection of bias to the composition of the review panel and its assessment and during the period for the parties to take a position on the review panel's evaluation report.

(8) The Agency shall state in its decision or statement the reasons which led it to take the decision or observations and the deficiencies identified. A statement of reasons is not necessary if the Agency complies with the participant of proceedings in full.

§ 22

(1) A participant to proceedings shall have the right to object to the decision or observations of the Agency within 15 working days of the date on which the decision or statement of defence was served for the participant of proceedings, of which the agency shall inform the participant of proceedings in the decision or statement of defence. The Board of Appeal shall give its views on a participant of proceedings objections within 90 days of the date of their receipt by the Agency.

(2) If, when reviewing a decision or a statement of the Agency, the Board of Appeal finds that the internal rules of the Agency governing the procedure of the Executive Board, its review panel or this Law have not been complied with, it shall refer the decision or observations to the Executive Board for a new procedure, otherwise it shall confirm the decision or observations of the Agency. If the Board of Appeal refers the decision or response to the Executive Board, a new time limit pursuant to Section 21(7) shall begin to run.

(3) A member of the Executive Board, the chairperson of the relevant review panel or a member appointed by him and one or two representatives of a review panel shall be entitled to attend, in addition to voting, a

member of the Board of Appeal, the chairperson of the relevant review panel or a member appointed by the Board of Appeal, in addition to voting; the Board of Appeal shall notify them at least ten working days of the place, date and time of discussion of the objections. The Board of Appeal may invite other persons to attend its meeting as appropriate. If the authorised person does not attend a meeting of the Board of Appeal, the Appeals Board shall discuss the matter even without his or her presence.

(4) The decision of the Agency shall become final on the day on which the period for lodging an objection expires in vain or on the date on which a participant to the proceedings receives a written notification giving no objection to the Agency. If a participant has lodged an objection to the decision of the Agency in good time, the decision of the Agency shall become final on the date of service of the response of the Board of Appeal to the participant confirming the Agency's decision. If it is a decision in the procedure for granting accreditation of the study program and the review panel to the proceedings is the applicant for state consent, the decision on granting accreditation of the study program becomes 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 vain expiry of the opposition period or the date on which a review panel to the proceedings delivers a written notice to the Agency in which the objection is waived. If a review panel has lodged an objection to the Agency's statement in good time, the Agency's statement shall become the final date of service of the response of the Board of Appeal to the review panel confirming the Agency's statement.

§ 23 Standards

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

(2) The Agency shall evaluate the comments received and make that evaluation publicly available. Before submitting the draft standards for approval to the Executive Board, the Agency shall submit a modified proposal for an 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 the amended proposal. If the Ministry of Education identifies shortcomings in the revised draft standards, it shall return it to the Agency for revision, indicating the specific shortcomings; if the Ministry of Education finds that the revised draft standards are not deficient, it shall immediately notify the Agency thereof.

(3) Standards enter into force on the date of their approval by the Executive Board and effective on the date of their publication on the Agency's website, AKV Standards are not determined on a later date.

(4) The standards for the internal system, taking into account the mission of the HEI, focus in particular on the essentials of the internal system according to § 3 and its implementation by the HEI and its components.

(5) The standards for the study programme, taking into account the mission of the HEI, focus mainly on the level of

- a) spatial, material, technical, information and personnel provision of study programmes,
- b) the creative activities of the HEI in the relevant field of study,
- c) taking into account the latest knowledge from 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 recruiting HEI teachers.

(6) The standards for the study programme can be adjusted by specificities for

- a) individual fields of study,
- b) professionally oriented study programmes;

- c) joint study programmes;
- d) teacher study programmes;
- e) study programmes on education and non-formal education of children and pupils;
- f) translation combination study programmes;
- g) interdisciplinary studies.

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

- a) the relatives of the Habilitation and Inauguration and Study Department, to which the Department of Habilitation and Inaugural Procedure is to be assigned,
- b) the creative activities of the HEI in the field of study, to which the Department of Habilitation Procedure and Inaugural Procedure is assigned,
- c) criteria of the HEI for the evaluation of fulfilment of conditions for awarding the scientific-pedagogical title or artistic-pedagogical title "Docent",
- d) criteria of the HEI the evaluation fulfilment of conditions for awarding a scientific-pedagogical title or an artistic-pedagogical title "profesor",
- e) requirements for the selection of opponents,⁹⁾ members of the habilitation commission, members of the inaugural commission and compliance with these requirements.

(8) The HEI is obliged to harmonise its internal system, the study programmes carried out, the rules for carrying out the habilitation procedure and the rules for carrying out the inaugural procedure within 12 months from the date of entry into force of the amendment of the relevant standards. The procedure initiated before the entry into force of the amendment shall be completed according to the standards in the version before the entry into force of the amendment if it is more favourable to the HEI.

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

Assessment of the internal system

§ 24

(1) A higher education institution shall request the Agency to assess its internal system at least once every six years. The higher education institution shall request for the first time an assessment of the internal system not earlier than four years and at the latest six years after its establishment or the granting of State approval.

(2) The Agency shall monitor the implementation of the internal system standards on an ongoing basis at least every two years on the basis of data from

- a) evaluation of the level of a HEI in educational activities and in the field of science, technology or art discussed by the Scientific Council of the HEI;
- b) evaluation of the level of the faculty in educational activities and in the field of science, technology or art discussed by the faculty body by the statute of the relevant HEI,
- c) the registers referred to in Section 18(4);
- d) analysis pursuant to Section 4(2)(g) second point.

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

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

- a) the internal system; if the HEI has drawn up internal regulations governing the internal systems of the faculty, the basis is also those,
- b) an internal evaluation report on the implementation of the internal system drawn up by the HEI,

- c) the evaluation report of the review panel;
- d) the opinion of the HEI on the review panel's evaluation report;
- e) publicly available documents and data from the HEI.

(5) The documents referred to in points (a), (b) and (d) of paragraph 4 shall be submitted electronically to the Agency by the HEI. In the case of an extraordinary assessment of the internal system, the higher education institution shall submit the 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 orientation. If the documents referred to in points (a), (b) and (d) of paragraph 4 are not supplied by the higher education institution within the prescribed period, paragraph 7 shall be followed.

(6) The HEI may also request that an assessment report be drawn up for the purposes of assessing the internal system by a legal person on the list referred to in Section 4(2)(c)(2); this shall be stated in the request referred to in paragraph 1. The evaluation report thus drawn up replaces the review panel's evaluation report. The time limit for receipt of this assessment report shall be fixed by the Agency in agreement with the HEI 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 period referred to in paragraph 1, the Agency shall bring the matter to the attention of the higher education institution. The higher education institution shall submit the application referred to in par. 1 within 60 days from the date of receipt of the notice; if it fails to do so, the Agency decides to cancel all study programmes of the HEI.

(8) If the HEI 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), by decision, rejected the application of the higher education institution for an assessment of the internal system and the period referred to in par. 1 expired before the decision rejecting the application of the higher education institution became final, the Agency shall decide on the cancellation of all study programmes of the HEI.

(9) When assessing the internal system, the Agency shall also take into account the fulfilment of the standards for the study programme and, if the HEI has been awarded the accreditation of the habilitation procedure or the accreditation of the inaugural procedure, the Agency shall also take into account the fulfilment of the standards for habilitation and inaugural proceedings.

§ 25

(1) The Agency shall decide, on the basis of the results of the assessment of the internal system, whether or not the internal system complies with the internal system standards and its implementation. The Agency shall indicate in its decision the fields of study and the degrees in which the HEI is authorised to create, 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 disciplines the abolition of the restriction to create, implement and modify study programmes in defined fields of study and degrees, if the HEI has such a restriction. If the internal system or its implementation does not comply with the standards for the internal system and the HEI is a participant to the proceedings, the Agency shall also impose corrective measures in the decision.

(2) The corrective measures are:

- a) ordering the removal of deficiencies which cause the internal system to be incompatible or its implementation with the standards for the internal system;
- b) suspension of the implementation of the study programme;
- c) order the abolition of the study programme;
- d) cancellation of the study programme;
- e) limit the creation and modification of study programmes.

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

(4) If the applicant for state consent is a participant to the proceedings, the Agency assesses the proposal of the internal system of a private HEI by the same procedure as it assesses the internal system of the HEI, except for the imposition of corrective measures.

(5) In the case of a translation combination study programme, the corrective measure may also be imposed separately in relation to the aprobation of a language. If the corrective measure is imposed separately in relation to the aprobation of a language, it shall apply to all study programmes involving the relevant aprobation.

§ 26

Regulation to remedy deficiencies

(1) The Agency shall order the correction of deficiencies which cause the internal system or its implementation to be 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 a period of six months from the date on which the decision of the Agency becomes final.

(2) The HEI shall remedy the deficiencies identified and notify the Agency of the measures taken and their results within six months of the date on which the Agency's decision has become final.

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

§ 27

Suspension of the implementation of the study programme

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

- a) the HEI proceeded in the creation, approval, modification or implementation of the study programme contrary to its internal system;
- b) the study program does not meet the standards for the study programme, and
- c) the identified deficiency 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 HEI may not

- a) to accept applicants for study in the relevant study programme or to carry out state examinations in the respective study programme according to the decision of the Agency; if the Agency decides that the HEI may not take the state examination in the relevant study programme, this state examination, as well as the documents of completion of the studies issued to the person concerned, are invalid;
- b) modify the relevant study programme other than the procedure referred to in par. 4; and
- c) create a study programme in the relevant field of study and level.

(3) The HEI is obliged to submit to the Agency a proposal for modification of the study programme or a notification of its cancellation within the time limit 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 becomes final.

(4) If a HEI cancels the relevant study programme, the Agency shall indicate in the register of study fields the lifting of the restrictions referred to in par. 2.

(5) The Agency shall give its approval to the submitted proposal for modification of the curriculum if the proposed amendment creates a precondition for meeting the standards for the study programme. The HEI shall modify the study programme at the latest from the following academic year, of which it shall inform the Agency

without delay. The Agency shall verify this in the register of study programmes within 30 days of notification of the HEI. Upon confirmation of the change, the Agency shall indicate in the study field register and in the register of study programmes the lifting of restrictions pursuant to par. 2.

(6) If the proposal for 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 HEI to submit a new proposal for modification of the study programme. At the same time, in the decision, the Agency shall indicate those shortcomings which the proposal for modification of the study programme does not remove, any new deficiencies and set a deadline for the submission of a new proposal to the HEI, at most twice.

§ 28

Regulation of cancellation of study programme and cancellation of study programme

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

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

(2) The HEI is obliged to cancel the suspended study programme within the 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 becomes final.

(3) Upon the entry into force of the decision of the Agency to order the cancellation of the study programme, the HEI is obliged to stop teaching the subjects of this study programme.

(4) If the HEI does not cancel the study programme within the specified 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 on the withdrawal of the authorisation of the HEI to create, carry out and modify study programmes in this field of study at all levels. The HEI is obliged to provide students enrolled in the study programme with the opportunity to continue their studies in the study programme carried out in the relevant field of study at another HEI.

(5) The HEI may not carry out state examinations in the study programme cancelled by the Agency. If the HEI takes the state exam in this study programme, this state examination is invalid; certificates of completion issued to the person concerned are also invalid.

§ 29

Restricting the creation and modification of study programmes

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

- a) the incompatibility of the internal system with the standards for the internal system; 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 carried out in accordance with the standards for the study programme; or
 - 2. in the case of deficiencies under Section 26(1), there is no presumption of the possibility of rectifying them within a period of six months from the date on which the decision of the Agency becomes final.

(2) The HEI may not, without the prior written consent of the Agency, create 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 mentioned in the Decision;
- c) as interdisciplinary studies in which it is possible to obtain a HEI degree in the field of study specified 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 the means of securing the necessary resources. If the Agency approves the action plan, it shall monitor its implementation and, after the deadline specified in the action plan, reassess the internal system. If the action plan is not approved by the Agency, it will instruct the HEI to complete it, including repeatedly. The completed action plan shall be submitted to the Agency by the higher education institution within 30 days from the date of receipt of the notification of non-approval of the action plan.

(4) If, as part of the monitoring of the implementation of the action plan, the Agency finds that the higher education institution does not implement the actions to which it has committed in the action plan, or the implementation of those measures does not lead to the remediation of the deficiencies identified, the Agency shall invite the HEI to make adjustments to the action plan in cooperation with the Agency within the time limit specified by the Agency or within the time limit for the implementation of the relevant actions specified in the action plan.

(5) If the HEI does not submit an action plan within the relevant time limit, fails to implement modifications thereon after the Agency has invited it or starts to implement the relevant measures following the Agency's invitation, the Agency shall bring this to the attention of the HEI and extend the time limit for its submission, for its modifications or for the start of implementation of the relevant measures by 30 days. If, after warning and extending the deadline, the higher education institution fails to submit an action plan, does not make any adjustments or starts to implement the relevant measures, the Agency shall decide to cancel all study programmes of the HEI.

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

(7) If, following a re-assessment of the internal system referred to in paragraph 3, the Agency does not identify deficiencies pursuant to paragraph 1, it shall indicate in the study field register the restriction on the creation and modification of study programmes.

§ 30

Accreditation of the study programme

(1) The HEI may apply for accreditation of the study programme in the field of study and the level in which it has not yet been authorised to carry out study programmes. The applicant for state consent submits an application for accreditation of the study programme in the fields of study and degrees in which he wishes to start providing higher education. If an external educational institution participates in the implementation of the third-level study programme, the external educational institution is required to meet the standards for the study programme in the scope of the activities in which it participates in the implementation of the study programme.

(2) The application for accreditation of the study programme includes

- a) the name of the participant, its registered office and the organisation's identification number; 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 intended to be carried out,

- c) the name of the field of study from the system of fields of study,
- d) degree of higher education,
- e) the level of education and the code of the field of education according to the international standard classification of education,
- f) level of the National Qualifications Framework;
- g) awarded academic degree;
- h) documentation for the study programme which is the subject of the application relating to
 1. spatial, material, technical, information and personnel provision of higher education provision;
 2. requirements for applicants for study, the method of their selection and recommended personal assumptions,
 3. the requirements for graduation,
 4. creative activities of HEI staff to participate in the implementation of the study programme;
- i) a favourable opinion of the legal person mentioned in the description of the field of study, if required by the description of the field of study,¹⁰⁾
- j) a favourable opinion of the competent ministry for the implementation of the proposed study programme in the case of a state HEI;
- k) further documentation needed to evaluate the fulfilment of individual standards for the study programme,
- l) internal evaluation report.

(3) The documents referred to in par. 2 shall be submitted electronically by the HEI to the Agency.

(4) In the case of a translation combination study programme, for the purpose of applying for accreditation of a study programme, the HEI shall indicate in the application at least two aprobations, together with the particulars for the subjects of the translational basis. Such an application shall be considered as an application for accreditation of the study programme.

(5) The Agency shall by decision reject the application for accreditation of a study programme if

- a) the participant to the proceedings is already authorised to create, implement and modify the study programme in the relevant field of study and level,
- b) the Agency has lawfully decided on another application for accreditation of the study programme of the relevant HEI in the same field of study and level within the two years preceding the submission of the relevant application; or
- c) the participant 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 a combination of two study fields.

(6) The Agency shall by decision reject the application for accreditation of the study programme in the relevant field of study if it is submitted by the HEI before the expiry of five years from the date on which the decision of the Agency, by which it ordered the cancellation of the study programme in the same field of study, became final.

(7) The Agency shall reject the application if, when considering the application, it finds that:

- a) the participant does not meet the standards for the study programme; or
- b) there is no assumption that a private HEI will meet the standards for the study programme and the participant of proceedings is an applicant for state approval.

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

- a) the participant of proceeding meets the standards for the study programme; or
- b) it is assumed that a private HEI will meet the standards for the study programme and the participant of proceedings is an applicant for state approval.

(9) The HEI is not entitled to modify the study programme concerned without the prior approval of the Agency and is not entitled to create new study programmes in the relevant field of study and level; this fact shall be identified by the Agency in the Register of Study Fields and in the Register of Study Programmes.

(10) The Agency continuously monitors the compliance of the implementation of the respective study programme with the submitted application for accreditation of the study programme and the standards for the study programme.

(11) The Agency shall assess the compliance of the implementation of the respective study programme with the standards for the study programme after the expiry of two years from the date of the proper completion of the study of the first student of the study programme concerned, but at the earliest after the expiry of the standard period of study of this study program from the final validity of the decision granting the accreditation of the study programme.

(12) In the assessment referred to in par. 11, the Agency shall focus on the consistency of the higher education outcomes of the graduates of the study programme concerned with the higher education outcomes indicated in the application for the accreditation of the study programme.

(13) The Agency shall indicate in the register of study fields the abolition of the restriction on the creation of study programmes in the relevant field of study and level and in the register of study programmes the abolition of the restriction on the modification of the respective study programme after confirmation of compliance pursuant to par. 11. If, at the same time, a participant has applied for accreditation of a study programme for several study programmes in the same field of study and level, the cancellation shall be marked only after confirmation of compliance for all these study programmes.

(14) If the Agency finds, as part of the assessment referred to in par. 11, that the implementation of the study programme in question is not in accordance with the standards for the study programme, an extraordinary assessment procedure for 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 assessed pursuant to par. 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 habilitation procedure and accreditation of inaugural proceedings

(1) The HEI, which is entitled to create study programmes, may apply for accreditation of habilitation proceedings and inaugural proceedings in the field of habilitation and inaugural proceedings. An application may be submitted if a HEI in a field of study or in fields of study referred to in paragraph 2(c) carries out a third-level study programme.

(2) Application for accreditation of habilitation procedure and accreditation of inauguration procedure contains

a) the name of the HEI, its registered office and the organisation's identification number; if he has a habilitation procedure

and the inaugural proceedings are carried out by the faculty, as well as the designation of this faculty,

b) the name of the Department of Habilitation Procedure and Inauguration Proceedings proposed by the HEI and its content definition; if the request relates only to the accreditation of the habilitation procedure or only to the accreditation of the inaugural procedure, this shall be indicated;

c) the name of up to two fields of study to which the field of habilitation and inaugural proceedings should be assigned; it is required that the content definition of the field of habilitation and inaugural proceedings should be as close as possible to this field of study;

d) criteria competent HEI the evaluation fulfilment conditions

acquisition
 scientific-pedagogical title or artistic-pedagogical title “docent”,

- e) criteria competent HEI the evaluation fulfilment conditions
 acquisition
 a scientific-pedagogical title or an artistic-pedagogical title “profesor”,
- f) results of periodic evaluation of creative activities of the HEI pursuant to a special regulation,¹¹⁾
- g) further documentation needed to evaluate the fulfilment of individual standards for habilitation proceedings and inauguration proceedings.

(3) The name of the field of habilitation procedure and inaugural proceedings may be identical to the name of the study field from the system of study fields. 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 par. 2 shall be submitted electronically by the HEI to the Agency.

(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 HEI filed 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 accreditation of the inaugural procedure in the field of habilitation and inaugural proceedings, which has in the application referred to in par. 2(c), has the same field of study as that indicated in the rejected application, or
 2. five years from the date of the finality of the decision to withdraw the accreditation of the habilitation procedure or the decision to withdraw the accreditation of the inaugural proceedings in the relevant field of habilitation and inaugural proceedings, and the application mentions the same faculty as in the application which applied to the withdrawn accreditation.

(6) The Agency shall decide on the granting of the accreditation of the habilitation procedure or the accreditation of the inauguration procedure if, when assessing the application, it finds that the HEI meets the relevant standards for the habilitation procedure and the inauguration procedure, otherwise it will decide on the rejection of the application. If the Agency decides to grant the accreditation of the inaugural procedure, it also decides on the granting of the accreditation of the habilitation procedure.

§ 32

Withdrawal of accreditation of habilitation procedure and withdrawal of accreditation of inaugural proceedings

(1) The Agency shall initiate a procedure to withdraw the accreditation of the habilitation procedure or to withdraw the accreditation of the inauguration procedure if it finds facts suggesting that the HEI does not meet the relevant standards for habilitation and inaugural proceedings.

(2) By initiating the procedure to withdraw the accreditation of the habilitation procedure or to withdraw the accreditation of the inauguration procedure, the relevant accreditation of the HEI is suspended and the Agency shall indicate this restriction in the register of study fields. The suspension of the relevant accreditation suspends all unfinished habilitation proceedings or inaugural proceedings in the relevant field of habilitation and inaugural proceedings.

(3) If the Agency, in the course of the procedure to withdraw the accreditation of the habilitation procedure or the withdrawal of the accreditation of the inauguration procedure, finds that the HEI meets the relevant standards for habilitation and inaugural proceedings, it shall mark the lifting of the suspension of the relevant accreditation in the register of study disciplines and the suspension of the habilitation procedure and inaugural proceedings in the relevant field of habilitation and inaugural proceedings shall be terminated.

(4) The Agency shall decide on the withdrawal of the accreditation of the habilitation procedure or on the

withdrawal of the accreditation of inaugural proceedings in the relevant field of habilitation and inaugural proceedings if the facts referred to in paragraph 1 are established. Together with the withdrawal of the accreditation of the habilitation procedure, the Agency shall also decide on the withdrawal of the accreditation of the inaugural proceedings in the relevant field of habilitation and inaugural proceedings.

(5) When the decision withdrawing the accreditation of the habilitation procedure becomes final, all unfinished habilitation proceedings at the relevant HEI in the relevant field of habilitation procedure and inaugural proceedings are discontinued.

(6) When the decision withdrawing the accreditation of inaugural proceedings becomes final, all unfinished inaugural proceedings at the relevant HEI in the relevant field of habilitation proceedings and inaugural proceedings are discontinued.

§ 32a

Cancellation of the accreditation of the habilitation procedure and revocation of the accreditation of the inaugural procedure

(1) The Agency shall decide on the withdrawal of the accreditation of the habilitation procedure on the basis of a request from the HEI to cancel the accreditation of the habilitation procedure in the field of habilitation procedure and the inaugural procedure referred to in the relevant application of the HEI. Together with the revocation of the accreditation of habilitation proceedings, the Agency will also decide on the revocation of the accreditation of inaugural proceedings in the relevant field of habilitation and inaugural proceedings.

(2) The Agency shall decide on the revocation of the accreditation of inaugural proceedings on the basis of a request from the HEI to cancel the accreditation of inaugural proceedings in the field of habilitation procedure and inauguration procedure specified in the relevant application of the HEI.

(3) All unfinished habilitation proceedings at the relevant HEI in the relevant field of habilitation procedure and inaugural proceedings are discontinued by the Agency's decision to revoke the accreditation of the habilitation procedure.

(4) When the Agency's decision to revoke the accreditation of inaugural proceedings becomes final, all unfinished inaugural proceedings at the relevant HEI in the relevant field of habilitation and inaugural proceedings are discontinued.

§ 33

Granting of State Consent

(1) The application for state consent is submitted to the Agency by a legal entity wishing to act as a private HEI.

(2) The request for state consent shall contain

- a) identification data of the applicant for state consent in the scope of name, registered office, identification number of the organisation and the name and surname of the statutory body or members of the statutory body,
- b) name of a private HEI,
- c) the long-term intention of a private HEI;
- d) application for accreditation of the study programme,
- e) draft statutes, draft internal system, draft study rules and draft principles for selection procedures for HEI's teachers, researchers and the functions of professors and associate professors;
- f) the financial security of the activities of a private HEI;
- g) personnel, spatial, material, technical and information provision of higher education provision;
- h) evidence of the scientific and pedagogical qualifications of HEI's teachers and researchers or artistic staff working in a private HEI

i) documents proving the facts referred to in points (a), (f) and (g).

(3) The Agency shall terminate the proceedings, in addition to the grounds set out in the Administrative Procedure, even if:

- a) legally decides that the design of the internal system of a private HEI does not comply with the standards for the internal system;
- b) a final decision on the rejection of all applications for accreditation of the study programme that were part of the application for state consent; or
- c) the period referred to in par. 9 has not expired.

(4) No appeal may be brought against a decision not to adjudicate pursuant to paragraph 3(a) or (b).

(5) If the Agency decides on all applications for accreditation of the study programme, the decisions not to grant accreditation of the study programme will become final and the agency does not stop the proceedings, it will submit to the Ministry of Education an application for the granting of state consent with a statement recommending state approval to grant or not to grant. The Agency shall comment on the granting or non-granting of State consent on the basis of a comprehensive assessment of the application.

(6) If the draft internal regulations are not in accordance with the legislation or the name of the HEI does not comply with a special regulation,¹²⁾ the Ministry of Education shall invite the applicant to remedy and set a reasonable time limit for this; at the same time, he instructs him that otherwise he will stop the proceedings.

(7) The Ministry of Education shall terminate the proceedings, in addition to the reasons under the Administrative Code, if the applicant

- a) has not removed the inconsistency of the draft internal regulations with the legislation within the time limit set by the Ministry of Education; or
- b) did not remove the contradiction of the name of the HEI with the requirements under special regulation¹²⁾ within the time limit set by the Ministry of Education.

(8) A proposal to grant state consent or not to grant state consent is submitted to the Government by the Ministry of Education within five months of receiving the Agency's statement to the Ministry of Education. If the Agency does not recommend granting state consent in its statement, the Ministry of Education will submit a proposal to the government not to grant state consent. The Ministry of Education will submit a proposal to the Government not to grant state consent even if the Agency, in its statement, recommends granting state consent, but the Ministry of Education concludes that the granting of state consent is not in the public interest and will justify this proposal.

(9) A juridical person may apply for state consent again not earlier than one year after the decision of the Agency to discontinue proceedings or a decision of the Ministry of Education to discontinue proceedings, or after a period of one year from the government's decision not to grant state consent, becomes final.

(10) If the government grants state approval, the Ministry of Education will decide on the registration of the status of a private HEI. 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 HEI.

(11) The provisions of this Section shall also apply to branches of HEI 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 separate regulation.

FOURTH PART COMMON AND TRANSITIONAL PROVISIONS

§ 34 Common provisions

(1) Proceedings under this Act shall not be subject to the Code of Administrative Procedure, save as otherwise provided in paragraphs 2 and 3.

(2) The administrative order will be used to decide on

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

(3) For proceedings under this Act, in addition to the procedure for granting state consent pursuant to Section 33, the provisions of the Administrative Code on

- a) the exclusion of employees or members of the administrative body pursuant to Sections 9 to 13 of the Administrative Code,
- b) delivery into one's own hands pursuant to Sections 24 and 25 of the Administrative Code, and
- c) time limits under Sections 27 and 28 of the Code of Administrative Procedure.

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

(5) The Ministry of Education checks compliance with legislation by the Agency; this shall not apply in the case of acts of an agency pursuant to Sections 21 to 33.

Transitional provisions

§ 35

(1) The right to award to graduates of the study programme the corresponding academic degree according to the regulations in force until 31 October 2018 shall be considered as 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 on which it was issued. In the case of a right without a time limit, it shall be deemed to be accreditation of the study programme after compliance has been confirmed pursuant to Section 30(11); this is without prejudice to Section 36(1).

(2) The right of a HEI to create a teacher 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 accreditation of the teacher combination study programme according to the regulations effective from 1 November 2018 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 on which it was issued. In the case of a right without a time limit, it shall be deemed to be accreditation of the teacher's combination study programme after confirmation of compliance pursuant to Section 30(11); this is without prejudice to Section 36(1).

(3) The right of the HEI to create 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 rules in force until 31 October 2018 shall be considered as accreditation of the translation combination study programme according to the regulations in force on 1 November 2018 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 on which it was issued. In the case of a right without a time limit, it shall be considered as accreditation of the 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 accreditation of the habilitation procedure and the inaugural procedure for the Department of Habilitation and Inaugural Procedure pursuant to 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 on which it was issued.

(5) If a HEI is granted a right under par. 1 to 3 with a time limit on the grounds that it was a new study programme, the time limit for this right shall be abolished from 1 November 2018 and the Ministry of Education shall indicate this fact in the register of study programmes by 30 November 2018. In the case of a procedure under Section 37(2) and the right to be granted with a time limit on the grounds that it is a new study programme,

it shall be granted without a time limit and from the date of the relevant decision shall be deemed to be accreditation of the study programme before compliance is confirmed pursuant to Section 30(11).

(6) If, according to the regulations in force until 31 October 2018, the HEI has been obliged to report to the Ministry of Education on the outcome of the measures taken to remedy the deficiencies, which were stated in the statement of the Accreditation Committee when assessing the competence of the HEI to carry out the relevant study programme or habilitation procedure and inauguration procedure in the relevant field of study, this obligation shall be maintained. If the higher education institution does not submit the report pursuant to the first sentence within the deadline specified in the decision granting the right in question or within one year of receipt of the decision suspending the granted right, the Minister for Education shall withdraw the right granted. If the report referred to in the first sentence is submitted in due time by the HEI, the Ministry of Education requests the verification of the outcome of the measures taken by 31 December 2019, the Accreditation Commission and the Agency as of 1 January 2020; if the Accreditation Commission does not comment by 31 December 2019, the actions of the Accreditation Commission, the Ministry of Education and the Minister of Education will be carried out by the Agency. The outcome of the measures taken shall be verified against the criteria issued under the rules in force by 31 October 2018.

(7) If the Accreditation Commission expresses its views on the outcome of the measures taken pursuant to paragraph 6 by 31 December 2019, the rules in force until 31 October 2018 shall be followed. If the Minister of Education decides, in accordance with the first sentence, to grant a right with a time limit, to renew the right with a time limit 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 HEI is obliged by the date indicated as a time limit in the decision of the Minister of Education to submit to the Agency a proposal for modification of the study programme or a notification of its cancellation pursuant to Section 27(4), and the Agency proceeds in accordance with Section 27(5) to (7).

(8) If the outcome 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) it fulfils 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 disciplines, in the case of habilitation proceedings and inauguration proceedings,
 2. suspension of the right granted, the Agency renews the right granted,
- b) it does not meet the criteria, the agency suspends the implementation of the study programme pursuant to § 27 if it is a study programme, or withdraws the granted right in the case of habilitation proceedings and inauguration proceedings.

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

(10) If the HEI has suspended the right to grant graduates of the study programme corresponding to the academic degree according to the regulations in force until 31 October 2018, it is a study programme that the HEI had accredited on the basis of an application submitted by 31 December 2012 and the suspension of this right was only indicated in the register of study programmes, the deadline for the cancellation of this study programme according to the regulations in force until 31 October 2018 shall be maintained.

(11) If the HEI has suspended 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 HEI may not accept new applications for the opening of habilitation proceedings and applications for the opening of inauguration proceedings in the relevant field of habilitation proceedings and inauguration proceedings, until

the decision on the granting of accreditation of habilitation proceedings and inaugural proceedings pursuant to this Act has become final in the field of habilitation proceedings and inauguration proceedings, the name of which is identical to the name of the study field concerned or with the prior written consent of the Agency also in another field of habilitation and inauguration proceedings.

(12) The decision to withdraw the right to act 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 pursuant to Section 37(2), it shall be considered as a decision to withdraw the accreditation of the habilitation procedure and the inaugural proceedings pursuant to this Act from the date of its issue.

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

(14) The Agency may initiate proceedings on its own initiative pending the submission of information by the higher education institution that it has brought the internal system into line with the standards for the internal system if it has reasonable grounds to suspect that the HEI is not complying with the legislation or its internal rules. If, in the course of the procedure, the Agency identifies deficiencies,

- a) suspend the implementation of the study programme; or
- b) we withdraw the accreditation of the habilitation procedure and the accreditation of inaugural proceedings in the relevant field of habilitation and inaugural proceedings.

§ 36

(1) From 1 November 2018 until the decision of the Agency pursuant to Section 25(1) becomes final, no higher education institution has the right to independently create study programmes in any field of study and level; this does not apply in the case of an application for accreditation of a study programme pursuant to Section 30. The restriction according to the first sentence shall be indicated by the Ministry of Education in the study field register until 31 December 2018.

(2) From 1 November 2018 until the decision pursuant to Section 25(1) becomes final, the HEI is entitled to establish a study programme, in the field of study and the level in which it is authorised to carry out study programmes on 31 October 2018, even before the assessment of the internal system, the procedure referred to in Section 30. The Agency shall not refuse the application for accreditation of the study programme by 31 March 2021 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 a HEI in the relevant field of study and level carries out a study programme which is not a joint study programme.

§ 37

(1) The HEI is obliged to bring its internal system into line with this law and the standards for the internal system within 24 months of their entry into force; it shall inform the Agency thereof without delay. The HEI is obliged to ask the Agency for a first assessment of the internal system by 31 December 2022 and 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 this period, the procedure referred to in Section 24(7) shall be followed. A higher education institution may ask the Agency for a first assessment of the internal system at the earliest after its alignment with the rules in force since 1 November 2018 and the standards for the internal system.

(2) Procedures on the competence of a HEI to carry out a study programme entitling its graduates to award the corresponding academic degree and procedures on the competence of the HEI to carry out the habilitation

procedure and the procedure for the appointment of professors not completed by 31 October 2018 will be completed from 1 November 2018 according to the regulations in force until 31 October 2018 and according to the criteria issued under the regulations in force until 31 October 2018; this also applies to applications submitted in the framework of the comprehensive accreditation of the activities of the HEI, which was not completed by 31 October 2018. The provisions of the first sentence shall also apply to proceedings initiated following a request submitted to the Accreditation Commission between 1 November 2018 and 15 June 2019. If the procedure is not completed by 31 December 2019, the acts of the Accreditation Commission, the Ministry of Education and the Minister of Education will be carried out by the Agency.

(3) If the Ministry of Education requested the Accreditation Commission by 31 October 2018 to comment on the request for state approval and the Accreditation Commission did not comment by 31 December 2019, the Ministry of Education will forward the request to the Agency. The draft study programmes included in the application under the first sentence shall be assessed by the Agency according to criteria issued under the rules in force by 31 October 2018; the Agency shall comment on the application or discontinue the procedure without considering the proposal for the internal system of a private HEI.

(4) The Accreditation Commission, in accordance with the regulations in force until 31 October 2018, is commenting on the proposal to include a new field of study in the system of study fields or on a proposal to change the system of study subjects, which is due to enter into force by 30 April 2019.

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

(6) As of 1 November 2018, the final unfinished procedures on the competence of a non-higher institution to participate in the implementation of the doctoral study programme are discontinued.

(7) If the HEI has been deprived of the right to grant graduates of a study programme corresponding to an academic degree, or if it has been refused an application for such a right under the rules in force until 31 October 2018, the restriction on submitting applications to the Accreditation Committee for the relevant field of study under the rules in force until 31 October 2018 shall be maintained; in the case of a study programme carried out at the faculty, this limitation applies only to the application relating to study programmes carried out at the faculty concerned.

(8) As of 16 June 2019, no applications can be submitted to the Accreditation Commission; the request submitted after 15 June 2019 will be rejected by the Accreditation Commission. Applications submitted to the Accreditation Commission from 1 November 2018 to 15 June 2019 shall be referred to in par. 2.

(9) If, by 31 December 2019, the Accreditation Committee proposes, in its statement, to grant the right to grant to graduates of the study programme the corresponding academic degree or the right to act habilitation proceedings and the 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 opinion of the Accreditation Committee, of his/her consent to the grant of such a right.

§ 38

(1) The Accreditation Commission established under the regulation in force until 31 October 2018 shall be considered as an Accreditation Commission under this Act and shall carry out its activities until 31 December 2019 under 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 deemed to be a member of the Accreditation Commission under this Act. As of 1 January 2020, the Accreditation Commission shall be abolished. If a member of the Accreditation Commission ceases to be a member by 31 December 2019, the Ministry of Education and the Government shall ensure that the number of members of the Accreditation Commission is replenished according to 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 of office.

(2) The Ministry of Education from 1 November 2018 to 31 December 2019 provides material and financial services of the Accreditation Commission in the scope of the regulations in force until 31 October 2018. HEI are obliged to provide the Accreditation Commission with cooperation from 1 November 2018 within the scope of the regulations in force until 31 October 2018. Until 31 December 2019, the Accreditation Commission is entitled to use data from the Register of HEI Employees in accordance with the regulations in force until 31 October 2018.

(3) The Agency's activities are materially provided by the Ministry of Education from 1 November 2018 to 31 March 2019. For the purposes of the placement of staff and the provision of the Agency's activities, the Ministry of Education is entitled to hand over assets to the State under a loan agreement until 31 March 2019; for this purpose, the Agency is authorised to manage state assets until 31 March 2019.¹⁴⁾ The immutable assets of the State, which materially ensure the Agency's activities under the first sentence, as defined in the Protocol between the Ministry of Education and the Agency, shall be transferred to the ownership of the Agency as of 1 April 2019.

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

- a) rights and obligations committing the Accreditation Commission as at 31 December 2019;
- b) the registry records of the Accreditation Commission and the administration of its registry;
- c) ownership and management of the website of the Accreditation Commission and of 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 approval of the standards shall be communicated by the Agency to all public, state and private HEI as soon as they are published on its website.

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

(7) From 1 November 2018 until the completion of the first periodic evaluation of the research, development, artistic and other creative activities of the HEI pursuant to a separate regulation¹¹⁾ the Agency shall take into account the evaluation of the research, development, artistic and other creative activities of the HEI within the framework of the last comprehensive accreditation of the HEI's activities carried out in accordance with the regulations in force until 31 October 2018 in the procedure for granting accreditation of the habilitation procedure and the inaugural procedure instead of this evaluation.

(8) The Ministry of Education will launch the first selection procedure to fill the post of Chairman of the Executive Board by 31 December 2018. The Minister for Education appoints 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 selected the candidate for the post of Chairman of the Executive Board; members of the Executive Board may be appointed only after the Chairman of the Executive Board has been appointed.

(9) The Board of HEI, the Slovak Rector's Conference, the Student Council of HEI and the representatives of employers pursuant to Section 7(4) shall propose 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 Chair of the Executive Board, by 28 February 2019. The Chairman of the Executive Board shall propose to the Minister of Education for the appointment of the Vice-Chair of the Executive Board by 31 March 2019 and shall be appointed by the Minister for Education by 15 April 2019. The term of office of the first Chairman of the Executive Board and of the First Vice-Chair 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 appointed by lot from among the other members of the Executive Board; the term of office of the remaining members of the Executive Board shall be six years.

(10) Until 1 December 2018, the Minister for Education shall appoint a natural person who, pending the appointment of the first Chairman of the Executive Board, is the statutory body of the Agency, exercises the

powers of the Chair of the Executive Board and, until the appointment of the First Head of the Office, exercises the functions of the Head of the Office; only those who meet the requirements for membership of the Executive Board or the Head of the Office may be entrusted.

§ 39

Transitional provisions for the adjustments in force from 1 January 2022

(1) If proceedings under Section 21(1) have been initiated and have not been finally concluded by 31 December 2021, the Agency shall proceed under 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 HEI pursuant to Section 37(1) that it has aligned its internal system with the internal system standards, but no later than 31 August 2022, to enter in the register of study programmes changes to the data on study programmes if these changes result from the need to align study programmes with the standards for the study programme; the Agency shall be authorised to enter the following changes to the study programme data:

- a) a change in a field of study or a combination of two fields of study in which a HEI degree is obtained by completing the study programme, if this change is justified in connection with the transformation of the system of study fields;
- b) change the place of provision of the study programme from a place in a seat other than the seat of a HEI or faculty, to a place at the headquarters of a HEI or faculty,
- c) change the name of the HEI or faculty at which the study programme takes place;
- d) change the title of the study programme if the new title better describes the content of the education.

§ 40

Transitional provisions for adjustments effective from 25 April 2022

(1) The HEI is entitled to modify the study programme of the first level, the study programme of the second level and the study programme linking the first and second levels without the approval of the Agency, in the case of a study programme in an external form of study and the modification results from the change of the standard duration of study according to the regulations in force on 25 April 2022. The modification shall be notified to the Agency by the higher education institution within one month of its implementation.

(2) The accreditation of the teacher's combination study programme under the rules in force until 24 April 2022 shall be maintained. A corrective measure may be imposed for a teacher's combined study programme separately in relation to the aprobation of a particular course even after 25 April 2022.

(3) The accreditation of habilitation and inaugural proceedings granted under the rules in force until 24 April 2022 is considered to be the accreditation of the habilitation procedure and the accreditation of the inaugural procedure under the rules in force since 25 April 2022.

(4) The request for accreditation of habilitation and inaugural proceedings submitted by 24 April 2022 is considered as a request for the accreditation of the habilitation procedure and the accreditation of the inaugural procedure according to the rules in force since 25 April 2022.

(5) The right to act habilitation and inaugural procedures for higher education institutions which have been granted accreditation pursuant to paragraph 3 shall remain valid until 31 August 2024 unless the Agency decides to withdraw the relevant accreditation before the expiry of that period.

Article 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, par. 2 and 4 are deleted.

par. 3 and 5 are renumbered as par. 2 and 3.

2. In Section 8(2), the words 'par. 1 and 2' are replaced by the words 'par. 1'.
3. After Section 187c, the following Section 187d is inserted, including the heading:

'§ 187d

Transitional provisions for modifications in force on the date of declaration

(1) A person referred to in Section 8(2) pursuant to the provisions in force before the date of entry into force of this Act shall be entitled to cancel the contract award procedure for which the invitation to tender was sent for publication before the date of entry into force of this Act or the contract award procedure which has demonstrably started 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 being accepted. The provisions of Section 57 are not affected by this.

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

Article III

This Act shall enter into force on the day of the promulgation, with the exception of par. 1, which shall enter into force on 1 November 2018.

Andrej Danko m. p.

Peter Pellegrini m. p.

- 1) Sections 62b and 108 I of Act No 131/2002 on higher education institutions and amending certain acts, as amended by Act No 137/2022.
- 1a) Section 23a of Act No. 431/2002 Coll. 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 supplementing Act No 575/2001 on the organisation of government activities and the organisation of central state administration, 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 the criminal record 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 disposal of the assets of public institutions and amending Act of the National Council of the Slovak Republic No 259/1993 on the Slovak Forestry Chamber, as amended by Act No 464/2002.
- 8) Act No 357/2015 on financial control and auditing 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 of the National Council of the Slovak Republic No 278/1993 on the administration of state property, as amended.

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