

# ACT

of 22 April 1998

## On Higher Education Institutions and Amending and Supplementing Other Acts

### PART ONE

#### GENERAL PROVISIONS

##### Section 1

##### Introductory Provisions

Higher education institutions, as the highest level of the education system, are foremost centres of learning, independent knowledge and creative activity, and play a key role in the scientific, cultural, social and economic development of society by:

- a) preserving and expanding acquired knowledge and, according to their type and focus, engaging in scientific, research, development and innovation activities, artistic or other creative activities,
- b) enabling access to higher education in accordance with democratic principles, providing for the attainment of appropriate professional qualifications, and preparing for research work and other demanding professional activities,
- c) offering other forms of education and enabling the acquisition, expansion, deepening or renewal of knowledge in various fields of learning and culture, thus contributing to lifelong learning,
- d) promoting equal access to rights and striving to eliminate disadvantages and to equalise opportunities for disadvantaged individuals,
- e) playing an active role in public discussion on societal and ethical issues, fostering cultural diversity and mutual understanding, shaping civil society and preparing young people for life within it,
- f) contributing to development at the national and regional levels and cooperating with various levels of state administration and self-government, as well as with the business and cultural spheres,
- g) developing international and, in particular, European cooperation as an essential dimension of their activities, supporting joint projects with similar institutions abroad, mutual recognition of study and diplomas, and the exchange of academic staff and students,
- h) striving for the transfer of knowledge.

##### Section 2

(1) A higher education institution provides accredited degree programmes and lifelong learning programmes. The type of higher education activity is determined by the type of accredited degree programmes delivered. The types of degree programmes are Bachelor's, Master's and Doctoral.

(2) A domestic higher education institution is public, private, or state. A state higher education institution is military or police.

(3) A higher education institution is either university-type or non-university-type. The designation “vysoká škola” (higher education institution), or any derivative thereof, may be used in the name only by higher education institutions. The designation “univerzita” (university), or any derivative thereof, may be used in the name only by university-type higher education institutions. In the case of Czech legal entities, the restriction on the use of the designations “vysoká škola” and “univerzita” and their derivatives also includes the use of foreign-language translations and their derivatives. Czech legal entities are also prohibited from using any other foreign-language designation in their name that may give a misleading impression that they are a higher education institution or university as defined by this Act.

(4) A university-type higher education institution may provide all types of degree programmes and, in connection therewith, engage in scientific and research, development and innovation, artistic or other creative activities (hereinafter referred to as “creative activity”).

(5) A non-university-type higher education institution provides Bachelor's degree programmes and may also provide Master's degree programmes and, in connection therewith, engage in creative activity. A non-university-type higher education institution is not divided into faculties.

(6) The type of higher education institution is specified in its statute and must be in accordance with the opinion of the National Accreditation Bureau for Higher Education (hereinafter referred to as the “Accreditation Authority”).

(7) A public higher education institution is a legal entity. A private higher education institution is a legal entity that has obtained state approval to operate as a private higher education institution. A military higher education institution is part of the Ministry of Defence. A police higher education institution is an organisational unit of the Czech Republic for which the Ministry of the Interior acts as the establishing authority.

(8) Other legal entities engaged in such activities may also participate in the educational and creative activities of higher education institutions.

(9) No entity other than a higher education institution has the right to confer an academic degree, conduct a habilitation procedure, conduct a procedure for the appointment of professors, use academic insignia, or hold academic ceremonies.

(10) The establishment and organisation of the activities of political parties and political movements at higher education institutions is prohibited.<sup>1)</sup>

## **Academic Community of a Higher Education Institution**

The academic staff and students of a higher education institution constitute the academic community of the higher education institution.

### Section 4

## **Academic Freedoms and Academic Rights**

The following academic freedoms and academic rights are guaranteed at a higher education institution:

- a) freedom of science, research and artistic creation and the publication of their results,
- b) freedom of teaching, which consists primarily in its openness to various scientific opinions, scientific and research methods, and artistic trends,
- c) the right to learn, including the free choice of study specialisation within degree programmes and the freedom to express one's own opinions in teaching,
- d) the right of members of the academic community to elect representative academic bodies,
- e) the right to use academic insignia and to hold academic ceremonies.

## **PART TWO**

### **PUBLIC HIGHER EDUCATION INSTITUTION AND ITS COMPONENTS**

#### CHAPTER I

#### PUBLIC HIGHER EDUCATION INSTITUTION

### Section 5

## **Establishment of a Public Higher Education Institution**

(1) A public higher education institution is established and dissolved by law. The law also specifies its name and registered office.

(2) A public higher education institution may merge or amalgamate only with another public higher education institution; it may divide only into other public higher education institutions. These changes may be made only by law.

(3) In the event of the dissolution of a public higher education institution under paragraph 1 or its merger, amalgamation or division under paragraph 2, the law shall also determine to which legal entities its assets and liabilities are transferred and which public higher education institutions shall enable students of the dissolved public higher education institution to complete their higher education.

### Section 6

(1) The scope of autonomy of a public higher education institution includes, in particular:

- a) internal organisation,
- b) determination of the number of applicants admitted to study, the conditions for admission to study, and decisions in the admission procedure,
- c) the creation and delivery of degree programmes,
- d) quality assurance of educational, creative and related activities and the internal evaluation of the quality of educational, creative and related activities of the higher education institution,
- e) organisation of studies,
- f) decisions regarding the rights and obligations of students,
- g) focus and organisation of creative activity,
- h) labour-law relationships and determination of the number of academic staff and other employees,
- i) habilitation procedures and procedures for the appointment of professors,
- j) cooperation with other higher education institutions and legal entities and international relations,
- k) establishment of self-governing academic bodies of the higher education institution, unless otherwise provided by this Act,
- l) management of the higher education institution and handling of property in accordance with specific regulations,
- m) determination of the amount of study-related fees,
- n) determination of the amount of fees for acts related to the habilitation procedure or the procedure for the appointment of professors.

(2) The organisation and operation of a public higher education institution, as well as the status of members of the academic community, are governed by its internal regulations.

(3) State authorities may intervene in the activities of a public higher education institution only on the basis of, and within the limits of, the law and in the manner prescribed by law.

## Section 7

### **Bodies of a Public Higher Education Institution**

(1) The self-governing academic bodies of a public higher education institution are:

- a) the academic senate,
- b) the rector,
- c) the scientific board or the artistic board, or, at a non-university-type higher education institution, the academic board,
- d) the internal evaluation board, if established,
- e) the disciplinary committee.

(2) Other bodies of a public higher education institution are:

- a) the board of trustees,
- b) the bursar.

### **Academic Senate of a Public Higher Education Institution**

#### Section 8

(1) The academic senate of a public higher education institution is its self-governing representative academic body. It shall have at least eleven members, of whom no fewer than one third and no more than one half shall be students. The members of the academic senate of a public higher education institution are elected from among the members of the academic community of the public higher education institution. The elections are direct, by secret ballot. The internal regulations of the public higher education institution shall determine, in particular, the number of members of the academic senate, the method of their election and the election of the chair of the academic senate, the bodies of the academic senate and how they are constituted, the grounds for and the date of termination of membership in the academic senate, and any possible incompatibility of membership in the academic senate with the performance of other functions. If the membership of a member of the academic senate of a public higher education institution terminates before the end of their term of office and the internal regulations of the public higher education institution allow for the function to be assumed by a substitute, the substitute shall perform this function only for the remainder of the term of office concerned.

(2) Membership in the academic senate of a public higher education institution is incompatible with the functions of rector, vice-rector, bursar, dean, vice-dean, faculty secretary and director of a higher education institute.

(3) The term of office of individual members of the academic senate of a public higher education institution shall be a maximum of three years. If a student elected to the academic senate of a public higher education institution is admitted during their term of office to another consecutive degree programme, the internal regulations of the public higher education institution may stipulate the conditions under which their membership in the academic senate does not expire. The term of office of all members of the academic senate of a public higher education institution shall terminate if the academic senate fails to act under Section 9 for a period of six months. The rector shall call new elections no later than 30 days thereafter.

(4) Meetings of the academic senate of a public higher education institution shall be open to the public. The rector or, in their absence, a vice-rector, a dean, the chair of the board of trustees of the public higher education institution or a member of the board authorised by the chair, as well as a member of the internal evaluation board authorised by its chair, shall have the right to speak at the meeting at any time upon request. Upon the request of the rector, the chair of the academic senate is obliged to convene an extraordinary meeting of the academic senate of the public higher education institution without delay.

## Section 9

(1) The academic senate of a public higher education institution:

a) decides, upon the proposal of the rector, on the establishment, merger, amalgamation, division or dissolution of components of the higher education institution; based on the concurring opinion of bodies or persons designated in the statute as senior employees of the higher education institution, it also decides on the establishment or dissolution of joint units of the institution's components,

b) approves:

1. the rules of procedure of the academic senate of the public higher education institution, upon the proposal of a member of the academic senate; the academic senate shall request the rector's opinion on this proposal,

2. internal regulations of a faculty upon the proposal of the academic senate of the faculty; the academic senate shall request the rector's opinion on this proposal,

3. other internal regulations of the public higher education institution and its components upon the rector's proposal,

c) approves the budget and the medium-term outlook of the higher education institution as submitted by the rector and supervises the use of its financial resources,

d) approves the annual report on activities and the annual financial statement of the higher education institution as submitted by the rector,

e) approves the report on the internal evaluation of the quality of the educational, creative and related activities of the public higher education institution as submitted by the chair of the internal evaluation board, and any supplements to this report,

f) gives prior consent to the rector for the appointment and dismissal of members of the scientific board, artistic board or academic board of the public higher education institution (hereinafter referred to as the “scientific board of the public higher education institution”), members of the internal evaluation board, and members of the disciplinary committee of the public higher education institution,

g) approves the conditions for admission to study in degree programmes that are not delivered at faculties,

h) decides on a proposal for the appointment of the rector or may propose their dismissal from office,

i) approves the strategic plan for the educational and creative activities of the public higher education institution (hereinafter referred to as the “strategic plan of the public higher education institution”) and the annual plan for its implementation, as submitted by the rector,

j) upon the proposal of the rector, revokes an internal regulation, decision or other act of a body of a component of the public higher education institution or suspends its effect if such regulation, decision or act is contrary to specific legislation or internal regulations of the public higher education institution.

(2) The academic senate of the public higher education institution shall express its opinion in particular:

a) on proposals for degree programmes not delivered at faculties,

b) on the rector's intention to appoint or dismiss vice-rectors,

c) on legal actions requiring the consent of the board of trustees of the public higher education institution pursuant to Section 15(1)(a) to (d),

d) on initiatives and opinions of the board of trustees of the public higher education institution pursuant to Section 15(3).

(3) Proposals under paragraph 1(a) to (e), (g), and (i), as well as supporting documents for decisions under paragraph 1(h), must be made accessible to members of the academic community of the public higher education institution in a manner enabling remote access at least 7 days before deliberation.

(4) The academic senate of the public higher education institution shall vote by secret ballot on proposals under paragraph 1(h) in particular. A proposal for the appointment of the rector is adopted if approved by an absolute majority of all members of the academic senate of the public higher education institution; a proposal for the dismissal of the rector is adopted if approved by at least three-fifths of all members of the academic senate.

## Section 10

### **Rector**

(1) The rector is the head of the public higher education institution; they act and make decisions in matters of the institution, unless otherwise provided by law. In cases where a specific regulation stipulates the competence of a governing body, it is exercised by the rector.

(2) The rector is appointed and dismissed by the President of the Republic upon the proposal of the academic senate of the public higher education institution. The proposal is submitted through the Minister of Education, Youth and Sports (hereinafter referred to as the “Minister”).

(3) The rector's term of office is four years. The same person may hold the office of rector at the same public higher education institution for no more than two consecutive terms.

(4) The rector is represented, to the extent designated by them, by vice-rectors. Vice-rectors are appointed and dismissed by the rector.

(5) The rector's salary is determined by the Minister.

### **Scientific Board of a Public Higher Education Institution**

#### Section 11

(1) The chair of the scientific board of the public higher education institution is the rector, who appoints and dismisses the other members of the scientific board; the term of office of the other members may be determined by the internal regulations of the public higher education institution.

(2) Members of the scientific board of the public higher education institution are distinguished representatives of the fields in which the higher education institution carries out educational and creative activities. At least one third of the members must be persons who are not members of the academic community of that institution.

#### Section 12

(1) The scientific board of a public higher education institution:

a) discusses, upon the proposal of the rector, the draft strategic plan of the public higher education institution and the annual plan for its implementation prior to their submission to the academic senate of the public higher education institution,

b) approves degree programmes submitted by the rector based on the proposal of the scientific or artistic board of the relevant faculty; in the case of degree programmes not delivered at faculties, without such a proposal,

c) approves the intention to submit an application for accreditation, extension of accreditation, or prolongation of accreditation of degree programmes, as submitted by the rector based on the proposal of the scientific or artistic board of the relevant faculty; in the case of programmes not delivered at a faculty, without such a proposal,

d) approves, upon the rector's proposal, the intention to submit an application for institutional accreditation for one or more fields of study and the extension of institutional accreditation to additional fields of study,

e) approves the intention to submit an application for accreditation of a habilitation procedure or a procedure for the appointment of professors, as submitted by the rector based on the proposal of the scientific or artistic board of the relevant faculty; in the case of procedures not conducted at a faculty, without such a proposal,

f) approves, upon the rector's proposal, the intention to relinquish institutional accreditation, the intention to cancel a degree programme, and the intention to relinquish accreditation for a habilitation procedure or a procedure for the appointment of professors,

g) exercises powers in the procedure for the appointment of professors and in the habilitation

procedure to the extent stipulated by this Act,

h) discusses the proposal of the rules for the quality assurance system of the educational, creative and related activities and the internal evaluation of the quality of educational, creative and related activities of the public higher education institution, as submitted by the rector prior to submission to the academic senate of the public higher education institution,

i) discusses the rector's intentions to appoint or dismiss members of the internal evaluation board, if it is established,

j) discusses the draft report on the internal evaluation of the quality of educational, creative and related activities of the public higher education institution, submitted by the chair of the internal evaluation board, before its submission to the academic senate of the public higher education institution, including any proposed supplements to this report,

k) discusses the draft annual report on the activities of the higher education institution prior to its submission to the academic senate of the public higher education institution,

l) performs other tasks assigned to it by the statute of the public higher education institution.

(2) The documents for approval under paragraph 1(b) to (f) and the proposals under paragraph 1(h) to (k) must be made accessible by their submitter to the members of the scientific board of the public higher education institution in a manner enabling remote access at least 7 days prior to deliberation.

(3) The scientific board of the public higher education institution expresses its opinion especially on matters submitted to it by the rector.

(4) The powers of the scientific board of the public higher education institution referred to in paragraph 1(b) to (f) may, in whole or in part, be delegated by the statute of the public higher education institution to the internal evaluation board or to the scientific board of a faculty.

## Section 12a

### **Internal Evaluation Board**

(1) A public higher education institution shall establish an internal evaluation board by means of its statute, unless otherwise stipulated by this Act.

(2) At a public higher education institution which does not have institutional accreditation, the powers of the internal evaluation board may be exercised by the scientific board of the public higher education institution, if so provided by the statute of the public higher education institution.

(3) The chair of the internal evaluation board is the rector. The vice-chair is appointed and dismissed by the rector from among the academic staff of the public higher education institution who hold the title of professor, associate professor, or extraordinary professor at that public higher education institution. The chair of the academic senate of the public higher education institution is a member of the internal evaluation board. Other members are appointed

and dismissed by the rector, and one of them shall always be a student of the given public higher education institution. If the rector does not appoint the proposed individual as a member of the board, they are obliged to provide justification to the nominator.

(4) The internal evaluation board:

a) approves the proposal of the rules for the quality assurance system of educational, creative and related activities and the internal evaluation of the quality of educational, creative and related activities of the public higher education institution, as submitted by the chair of the internal evaluation board prior to its submission to the academic senate of the public higher education institution,

b) oversees the process of internal evaluation of the quality of educational, creative and related activities of the public higher education institution,

c) prepares the report on the internal evaluation of the quality of educational, creative and related activities of the public higher education institution and any supplements thereto,

d) keeps ongoing records of the internal evaluation of the quality of educational, creative and related activities of the public higher education institution,

e) performs other tasks within the scope defined by the statute of the public higher education institution.

## Section 13

### **Disciplinary Committee of a Public Higher Education Institution**

(1) The members of the disciplinary committee of a public higher education institution are appointed and dismissed by the rector from among the members of the academic community of the public higher education institution. Half of the members of the disciplinary committee must be students. The disciplinary committee elects and dismisses its chair from among its members.

(2) The term of office of members of the disciplinary committee of a public higher education institution is determined by the internal regulations of the public higher education institution.

(3) The disciplinary committee of a public higher education institution considers disciplinary infractions committed by students of the public higher education institution who are not enrolled at any of its faculties, and submits a proposal for a decision to the rector.

(4) If all students of the public higher education institution are enrolled at its faculties, a disciplinary committee is not established at the level of the public higher education institution.

### **Board of Trustees of a Public Higher Education Institution**

## Section 14

(1) The board of trustees of a public higher education institution shall have at least nine

members, and the total number of members must always be divisible by three. The members of the board of trustees of a public higher education institution are appointed and dismissed by the Minister after consultation with the rector, in such a way as to ensure appropriate representation, particularly of figures from public life, professional chambers, employers' organisations or other individuals or bodies that carry out, support or make use of the educational or creative activities of higher education institutions or their results, representatives of local government and state administration, and alumni of the given higher education institution. Members of the board of trustees may not be employees of the given public higher education institution. The election of the chair and vice-chairs, as well as the rules of procedure of the board of trustees of the public higher education institution, shall be regulated by the statute of the board of trustees, which must be approved by the Minister.

(2) Members of the board of trustees of a public higher education institution are appointed for a term of six years. Following the initial appointment of members, lots shall be drawn to determine one third of the members whose term of office shall end after two years, and one third whose term shall end after four years. If the function of a member of the board of trustees ends before the expiry of their term, a new member shall be appointed for the remainder of the term only.

(3) The function of a member of the board of trustees of a public higher education institution shall terminate:

- a) upon the expiry of the term of office,
- b) by resignation,
- c) by death or by the legal effect of a court decision declaring the person dead or missing,
- d) on the day a basic labour-law relationship with the public higher education institution arises,
- e) on the day of legal effect of:
  1. a court decision convicting the member of an intentional criminal offence, or sentencing them to unconditional imprisonment for a criminal offence committed through negligence,
  2. a court decision approving a plea agreement admitting guilt for an intentional criminal offence,
  3. a decision by a public prosecutor conditionally postponing the filing of an indictment for an intentional criminal offence,
  4. a decision by a public prosecutor or court conditionally discontinuing the criminal proceedings for an intentional criminal offence, or approving a settlement in such proceedings,
  5. a court decision limiting the member's legal capacity.

(4) Meetings of the board of trustees of a public higher education institution are convened by its chair, at least twice a year. The rector or, in their absence, a vice-rector, the bursar, the chair of the academic senate of the public higher education institution or, in their absence, a member of the academic senate authorised by them, as well as a member of the internal evaluation board authorised by its chair, have the right to attend the meetings of the board of trustees and to speak at any time upon request. At the request of the rector, the chair of the board of trustees is obliged to convene an extraordinary meeting of the board of trustees of the public higher education institution.

(5) On proposals which, after being approved by the academic senate of the public higher education institution, require the approval of the board of trustees under Section 15(2)(b) and (c), the board of trustees must decide within two weeks of the day the approved proposal is forwarded by the academic senate to the board of trustees via the rector; if the board of trustees fails to decide within this period, the proposal is deemed approved. If the board of trustees does not approve the proposal, it shall return it with reasons for reconsideration by the academic senate of the public higher education institution. In such a case, the original proposal shall be deemed approved without further need for subsequent approval by the board of trustees if it is supported by at least three-fifths of all members of the academic senate. If the academic senate agrees with the comments of the board of trustees, it shall approve the revised proposal by a simple majority. The internal regulations of the public higher education institution shall define the date of submission referred to in the first sentence.

## Section 15

(1) The board of trustees of a public higher education institution shall issue prior written consent:

- a) to legal acts through which the higher education institution intends to acquire or transfer ownership rights to immovable property,
- b) to legal acts through which the higher education institution intends to acquire or transfer ownership rights to movable property whose value exceeds five hundred times the amount from which items are considered tangible assets under a specific regulation,<sup>2)</sup>
- c) to legal acts through which the higher education institution intends to establish an easement or other real right, or a pre-emptive right, with respect to the property referred to in points (a) and (b),
- d) to legal acts through which the higher education institution intends to establish, dissolve or transform another legal entity, and to contributions in cash or in kind to these and other legal entities.

(2) The board of trustees of a public higher education institution, after approval by the academic senate of the public higher education institution:

- a) discusses the report on the internal evaluation of the quality of educational, creative and related activities of the public higher education institution, as submitted by the rector, and any supplements to this report; the report and its supplements may also be discussed before approval by the academic senate of the public higher education institution, in which case the rector shall subsequently inform the members of the board of trustees of the final approved version if it differs from the version discussed by the board,
- b) approves the budget and the medium-term outlook of the public higher education institution, as submitted by the rector,
- c) approves the strategic plan of the public higher education institution and the annual plan for its implementation,
- d) discusses the annual report on activities and the annual financial statement of the public

higher education institution, as submitted by the rector.

(3) The board of trustees of a public higher education institution shall also consider other matters submitted by the rector; it may make proposals and express opinions on the activities of the public higher education institution, which it shall publish in the public section of the institution's website.

(4) In the case of a paid contractual transfer of movable property under paragraph 1(b), the price<sup>3)</sup> shall be agreed at a level that is customary in the place and time; the property may only be transferred without charge if doing so is in the public interest or if it is more economical than another method of disposal.

(5) The board of trustees of a public higher education institution shall not approve a legal act if it is contrary to the requirement for proper use of the institution's assets or if it would jeopardise the institution's ability to fulfil its tasks.

(6) The board of trustees of a public higher education institution is obliged to notify the Ministry of Education, Youth and Sports (hereinafter the "Ministry") of any prior written consent to the legal acts referred to in paragraph 1(a) to (d) within seven days of such consent being issued.

(7) Legal acts referred to in paragraph 1(a) to (d) are invalid without the prior consent of the board of trustees of the public higher education institution and without notification to the Ministry under paragraph 6.

(8) The board of trustees of a public higher education institution shall ensure that the purpose for which the public higher education institution was established is maintained, that the public interest is upheld in its activities, and that its property is managed properly.

(9) The activities of members of the board of trustees of a public higher education institution are considered to be in the general interest.<sup>4)</sup> These individuals shall be reimbursed for travel expenses by the public higher education institution in accordance with a specific regulation;<sup>5)</sup> the Ministry may also grant them a remuneration.

(10) The activities of members of the board of trustees of a public higher education institution are governed by specific legislation.<sup>6)</sup>

## Section 16

### **Bursar**

(1) The bursar manages the financial and internal administration of the public higher education institution and acts on its behalf to the extent defined by a measure issued by the rector.

(2) The bursar is appointed and dismissed by the rector.

## Section 17

## **Internal Regulations of a Public Higher Education Institution**

(1) The internal regulations of a public higher education institution are:

- a) the statute of the public higher education institution,
- b) the election regulations of the academic senate of the public higher education institution,
- c) the rules of procedure of the academic senate of the public higher education institution,
- d) the internal salary regulations,<sup>7)</sup>
- e) the rules of procedure of the scientific board of the public higher education institution,
- f) the regulations for selection procedures for filling academic staff positions,
- g) the study and examination regulations,
- h) the scholarship and bursary regulations,
- i) the disciplinary code for students,
- j) the rules for the quality assurance system of educational, creative and related activities and the internal evaluation of the quality of educational, creative and related activities of the public higher education institution,
- k) other regulations, where stipulated by the statute of the public higher education institution.

(2) The statute of the public higher education institution shall contain in particular:

- a) the name, registered office and type of the higher education institution,
- b) legal predecessor(s),
- c) general conditions for admission to study and the method of application submission,
- d) conditions for the study of foreign nationals,
- e) the organisational structure,
- f) provisions on study-related fees,
- g) rules for the use of academic insignia and for holding academic ceremonies,
- h) rules for the financial management of the public higher education institution.

### Section 18

## **Budget and Medium-Term Outlook of a Public Higher Education Institution**

(1) A public higher education institution manages its affairs according to a budget, which must not be drawn up as a deficit budget. The institution prepares a budget for the calendar year and a medium-term outlook for at least the two following years.

(2) The revenue of the public higher education institution's budget consists mainly of:

- a) a contribution from the state budget for the educational and creative activities of the public higher education institution (hereinafter referred to as the “contribution”)<sup>8)</sup>,
- b) support for research, experimental development and innovation from public resources under a specific legal regulation<sup>8e)</sup>,
- c) subsidies from the state budget (hereinafter referred to as “subsidy”),
- d) study-related fees,
- e) income from property,
- f) other income or contributions not listed in point (a) from the state budget, state funds, the National Fund, and municipal and regional budgets,
- g) income from ancillary activities,
- h) income from donations and bequests.

(3) A public higher education institution is entitled to a contribution under paragraph 2(a). The amount of the contribution is determined by the type and financial demands of accredited degree programmes and lifelong learning programmes, the number of students, and the achieved results in educational and creative activities and their complexity, including any commitments to achieve specific results accepted by the institution within a government-approved programme. The contribution also depends on the strategic plan for higher education activities (hereinafter referred to as the “strategic plan of the Ministry”) and its annual implementation plan drawn up by the Ministry, as well as the strategic plan of the public higher education institution and its annual implementation plan. An advance on the contribution is provided based on the relevant data as of 31 October of the previous calendar year. The contribution is granted from the budgetary chapter in accordance with general regulations on the provision of state budget funds for subsidies<sup>8a)</sup>, unless this Act provides otherwise.

(4) The Ministry shall issue a decision specifying whether the provided contribution or subsidy constitutes participation of the state budget in the funding of a programme<sup>8b)</sup>, where contributions or subsidies for construction<sup>8c)</sup> are always considered such participation (except for maintenance and repairs) if they exceed CZK 10,000,000 and unless the second sentence applies. For EU co-funded programmes aimed at supporting quality, development or access to higher education under this Act, the programme funding provisions under budgetary rules do not apply.

(5) A public higher education institution is entitled to a subsidy for its development. It may also receive subsidies for student accommodation and catering. The conditions for subsidies, their use and accounting are governed by general regulations for the use of state budget funds<sup>8d)</sup> and specific regulations governing research and development support<sup>8e)</sup>. The

amount of the subsidy depends on the strategic plan of the public higher education institution and annual implementation plan, as well as those of the Ministry.

(6) A public higher education institution establishes the following funds:

- a) a reserve fund, primarily for covering losses in subsequent accounting periods,
- b) a capital assets regeneration fund,
- c) a scholarship/bursary fund,
- d) a fund for bonuses,
- e) a fund for earmarked financial resources,
- f) a social fund,
- g) a fund for operational purposes.

(7) The funds listed in paragraph 6(a), (b), (d), and (g) are created from profit, unless otherwise explicitly stated; the capital assets regeneration fund and the fund for operational purposes are also funded from the remaining balance of the contribution under paragraph 2(a) as at 31 December of the current year, and the regeneration fund is also funded from depreciation of tangible and intangible assets<sup>9)</sup>. The sources of the scholarship fund include transfers of study-related fees under Section 58(6) and transfers of tax-deductible expenses under a specific regulation<sup>9a)</sup>. Donations may be the source of any of these funds. The institution may allocate post-tax profit to funds only if any prior losses have been covered. The year-end balances of the funds are carried forward to the next budget year. The use of the funds listed in paragraph 6(a) to (d), (f), and (g), as well as conditions for transfers between the funds listed in paragraph 6(a), (b), (d), and (g), shall be governed by the internal regulations of the public higher education institution; the institution must ensure that funds created by the transfer of the contribution balance are used in accordance with EU state aid rules, so as to avoid any distortion or risk of distortion of competition.

(8) The conditions for the creation and use of funds shall be determined by the internal regulations of the public higher education institution in such a way that any profit generated through basic research, applied research, or experimental development and dissemination of their results through teaching, publication, or technology transfer – if supported from public resources – is used exclusively for those activities, their dissemination, or for teaching.

(9) The fund for earmarked financial resources is created from:

- a) earmarked donations, excluding those for the acquisition and technical improvement of long-term assets,
- b) earmarked financial resources from abroad,
- c) earmarked public resources, including project-specific and institutional support for research, experimental development and innovation from public resources that could not be used within the budget year in which they were granted.

(10) Earmarked financial resources under paragraph 9(c), which for the purposes of this Act also include resources provided to a public higher education institution by a beneficiary of support as another participant in a project involved in project implementation, may be transferred by the public higher education institution to the fund for earmarked financial resources up to an amount of 10% of the total volume of earmarked public resources granted to the public higher education institution for individual research, experimental development and innovation projects in the given calendar year, unless the provider of support specifies otherwise in the case of multi-annual projects in the grant agreement or in the decision on the award of support. In the case of other public support, up to 5% of the volume of such support granted to the public higher education institution in the given calendar year may be transferred, excluding development subsidies under paragraph 5, first sentence, which may be transferred in an unlimited amount. The public higher education institution shall notify the provider in writing of the transfer of earmarked financial resources.

(11) The resources from the fund for earmarked financial resources may only be used for the purpose for which they were provided.

(12) The social fund is created by a basic allocation charged to the expenses of the public higher education institution, up to 1% of the institution's total annual expenses accounted for salaries, wage compensation, and on-call duty payments.

(13) Budgetary resources may only be used to finance the activities for which the public higher education institution was established and to finance ancillary activities under Section 20(2).

## Section 18a

### **Provision of the Contribution**

(1) The provision of the contribution under Section 18(2)(a) is decided by the Ministry by means of a decision based on an application submitted by the public higher education institution.

(2) In the decision, the Ministry shall state the amount of the contribution granted. For decisions on contributions, the provisions of the Act regulating the granting and withdrawal of subsidies from the state budget shall apply. The Ministry shall provide the contribution by transferring it from its account to the bank account of the public higher education institution.

(3) The Ministry shall maintain records of the contributions provided.

(4) The public higher education institution is obliged to draw and use the contribution in accordance with its intended purpose and in compliance with specific legal regulations governing accounting. Any remaining contribution at the end of a calendar year shall be transferred by the public higher education institution to its funds for the following calendar years under Section 18(7). The Ministry shall withdraw the contribution by decision if the public higher education institution uses it contrary to the law or contrary to the decision on its provision. The Ministry shall also withdraw the contribution by decision if the accredited degree programme for which the contribution was granted has expired, or if the use of the contribution is no longer aligned with the strategic plan of the public higher education institution or its annual

implementation plan.

(5) For the purposes of settlement with the state budget in the relevant budget year, the contribution is considered settled if it has been used in accordance with this Act and the specific legislation regulating budgetary rules, transferred to the institution's funds under Section 18(7) for the following calendar year, or withdrawn.

## Section 19

### **Property of a Public Higher Education Institution**

(1) A public higher education institution owns property necessary for the activities for which it was established and for activities carried out as part of ancillary activities under Section 20.

(2) Decisions on the management of property of the public higher education institution are made by the rector or by bodies or persons designated in the statute of the public higher education institution. In the cases referred to in Section 15(1)(a) to (d), the rector decides with the prior consent of the board of trustees of the public higher education institution.

(3) A public higher education institution may only acquire securities issued by the state, securities guaranteed by the state, or securities of a business corporation into which the institution has contributed assets.

## Section 20

### **Financial Management of a Public Higher Education Institution**

(1) A public higher education institution is obliged to use its property to fulfil its tasks in educational and creative activities. It may also use such property for ancillary activities in accordance with this Act.

(2) As part of ancillary activities, a public higher education institution may carry out, for remuneration, activities related to its educational and creative activities or activities intended to enable more effective use of human resources and property. Ancillary activities must not jeopardise the quality, scope or availability of the activities for which the public higher education institution was established.

(3) A public higher education institution is not authorised to guarantee monetary debts of other persons or to establish a lien on immovable property. It is also not authorised to become a general partner in an unlimited partnership or a general partner in a limited partnership. Furthermore, it is not authorised to contribute immovable property acquired into the ownership of public higher education institutions from state ownership, or contributions granted under Section 18(3), or subsidies granted under Section 18(4) into commercial companies or cooperatives. Monetary and non-monetary contributions to legal entities are subject to rules laid down in the internal regulations of the public higher education institution.

(4) The state does not guarantee the obligations of a public higher education institution.

(5) A public higher education institution is obliged to clearly separate the costs and

revenues associated with ancillary activities. In all other respects, general accounting regulations apply to public higher education institutions<sup>10)</sup>

(6) The rector is responsible to the Minister for the efficient use of contributions and subsidies, the settlement of subsidies with the state budget, and the proper management of the property of the public higher education institution. To ensure efficient use of contributions and subsidies within the institution, the rector is authorised to issue a methodological instruction.

## Section 21

### **Other Obligations of a Public Higher Education Institution**

(1) A public higher education institution is obliged to:

- a) prepare annually, submit to the Ministry, and publish as a non-periodical publication<sup>11)</sup> in the public section of its website the annual report on activities and the annual financial statement of the higher education institution by the deadline and in the format set by the Ministry,
- b) prepare, discuss with the Ministry, and publish in the public section of its website the strategic plan of the public higher education institution and the annual plan for its implementation, within the deadlines and in the format set and published by the Ministry,
- c) provide the Accreditation Authority and the Ministry, upon request, within the specified deadlines and free of charge, with the information necessary for the performance of their activities under this Act,
- d) provide applicants, students, and other individuals with information and advisory services related to study and to the employability of graduates of degree programmes,
- e) establish a contact point designated to provide information on measures to ensure equal opportunities to study at the higher education institution, to prevent and address cases of discrimination, and to ensure equal treatment and a safe environment at the higher education institution, and to publish details of this contact point in the public section of its website,
- f) take appropriate measures to support the studies of parents and persons who have assumed custody of a child in lieu of parental care based on a decision of the competent authority pursuant to the Civil Code<sup>29)</sup> or legal regulations governing state social support<sup>30)</sup>, for the duration that their maternity or parental leave would otherwise last<sup>11a)</sup> (hereinafter referred to as the “recognised parenting period”),
- g) conduct internal evaluations of the quality of the educational, creative and related activities of the higher education institution under the conditions laid down in Section 77b,
- h) publish in the public section of its website a list of degree programmes it delivers, including their types and profiles, forms of study, standard lengths of study, and information on their accessibility for persons with disabilities, and a list of fields in which it is authorised to conduct habilitation procedures or procedures for the appointment of professors, specifying the faculty if the degree programme or field is delivered by a faculty; the institution must immediately inform the Accreditation Authority of any changes made under the authorisation resulting from institutional accreditation and of any changes to the list of degree programmes delivered,

i) publish in the public section of its website the registered internal regulations of the public higher education institution, including information on their period of validity and effectiveness,

j) publish in the public section of its website information about any restriction or withdrawal of institutional accreditation, any restriction or termination of the authorisation to deliver a degree programme, any restriction or withdrawal of accreditation of degree programmes, and any suspension or withdrawal of accreditation of a habilitation procedure or a procedure for the appointment of professors.

(2) The annual report on the activities of the public higher education institution shall include, among other things:

a) an overview of activities carried out during the calendar year,

b) a summary of the evaluation results of the institution's activities,

c) changes in internal regulations and changes in the governing bodies of the higher education institution that occurred during the year,

d) other information as determined by the board of trustees of the public higher education institution.

(3) The annual financial statement of the public higher education institution shall include, among other things:

a) the full financial statements and an assessment of the key data contained therein,

b) the auditor's report verifying the financial statements, if such verification was carried out,

c) an overview of monetary income and expenditure,

d) a breakdown of income and revenue by source,

e) the development and final state of funds,

f) the state and movement of assets and liabilities,

g) the total volume of expenses broken down into expenses for ancillary and other activities.

(4) The annual report on activities, the annual financial statement, the strategic plan of the public higher education institution, and the annual plan for its implementation must be publicly accessible.

(5) The public higher education institution shall ensure reasonable support measures to promote equal opportunities for studying at the higher education institution, unless this is contrary to health requirements for eligibility to study the relevant degree programme. The rules for providing such measures shall be set out in the internal regulations of the higher education institution.

## CHAPTER II

### COMPONENTS OF A PUBLIC HIGHER EDUCATION INSTITUTION

#### Section 22

##### **Structure of a Public Higher Education Institution**

(1) A public higher education institution may be composed of the following components:

- a) faculties,
- b) higher education institutes,
- c) other units for educational and creative activity or for the provision of information services or technology transfer,
- d) service facilities for cultural and sporting activities, for the accommodation and catering of members of the academic community in particular, or for the operational support of the institution.

(2) The internal regulations of components must comply with the internal regulations of the public higher education institution.

#### **Part 1**

#### **Faculty**

#### Section 23

#### **Faculty**

(1) A faculty shall independently deliver at least one accredited degree programme and engage in creative activity; this does not preclude other components of the same higher education institution from participating in the delivery of a degree programme.

(2) A faculty may also deliver a degree programme in cooperation with other faculties of the same higher education institution or may participate in the delivery of a degree programme delivered by the same institution or another of its faculties. This does not affect paragraph 1.

(3) If a degree programme is delivered in cooperation between two or more faculties of the same higher education institution, the institution shall regulate, in its internal regulations, at least:

- a) the identification of the faculty or faculties that independently admit applicants or a part thereof to the degree programme, enrol them for study, and confer the corresponding academic

degree upon graduates of the programme,

b) cooperation among faculties in determining the admission requirements for the degree programme and in the organisation of the study programme,

c) the rights and obligations of students of the programme, including the application of the internal regulations of cooperating faculties to such students, and the jurisdiction of these faculties and their bodies to decide on the rights and obligations of students of the degree programme.

(4) A self-governing representative academic body shall be established at the faculty. The faculty shall have the right to use its own academic insignia and to hold academic ceremonies.

(5) The establishment, merger, amalgamation, division or dissolution of a faculty shall be decided by the academic senate of the public higher education institution upon the proposal of the rector.

## Section 24

### **Rights of the Faculty**

(1) Unless otherwise provided by this Act, the bodies of the faculty shall have the right to decide or act on behalf of the public higher education institution in the following matters concerning the faculty:

a) establishment of self-governing academic bodies of the faculty,

b) internal organisation of the faculty,

c) habilitation procedures and procedures for the appointment of professors,

d) management of financial resources allocated to the faculty,

e) labour-law relationships.

(2) Unless otherwise provided by this Act, the bodies of the faculty shall also have the right to decide or act on behalf of the public higher education institution, within the scope laid down by the statute of the public higher education institution, in the following matters concerning the faculty:

a) creation and delivery of degree programmes,

b) decisions on the rights and obligations of students enrolled in degree programmes delivered by the faculty,

c) strategic focus of creative activity,

d) international relations and activities,

e) ancillary activities and the management of resources obtained from such activities.

(3) The bodies of the faculty shall also decide on other matters of the public higher education institution, if such authority is granted to them by the statute of the public higher education institution.

(4) Matters under paragraph 1(e) shall be discussed in advance by the faculty body with the rector of the public higher education institution. The rector and the faculty body may agree to limit the scope of matters to be discussed in this way.

## Section 25

### **Bodies of the Faculty**

(1) The self-governing academic bodies of a faculty are:

- a) the academic senate,
- b) the dean,
- c) the scientific board or the artistic board,
- d) the disciplinary committee.

(2) Another body of the faculty is the faculty secretary.

(3) The academic community of the faculty consists of the academic staff working at the faculty and students enrolled at the faculty.

### **Faculty Academic Senate**

## Section 26

(1) The academic senate of the faculty is its self-governing representative academic body. It shall have at least nine members, of whom no less than one third and no more than one half must be students. Members of the academic senate of the faculty are elected from among the members of the academic community of the faculty. The elections are direct, by secret ballot. The internal regulations of the faculty shall specify in particular the number of members of the academic senate, the method of their election, the method of electing the chair of the academic senate, the bodies of the academic senate and how they are constituted, the reasons and date of termination of membership in the academic senate, and any incompatibility of membership in the academic senate with the holding of other positions. If a member's mandate terminates before the end of the term and the internal regulations of the faculty allow the function to be performed by a substitute, such substitute shall perform the function only for the remainder of the relevant term.

(2) Membership in the academic senate of the faculty is incompatible with the functions of rector, vice-rector, bursar, dean, vice-dean, faculty secretary and director of a higher education institute.

(3) The term of office of individual members of the academic senate of the faculty shall not exceed three years. If a student elected to the academic senate of the faculty is, during their term, admitted to another, immediately consecutive degree programme, the internal regulations of the faculty may set conditions under which their membership in the academic senate of the faculty does not expire. The term of office of all members of the academic senate of the faculty shall end if the academic senate fails to act under Section 27 for a period of six months. The dean shall call new elections within 30 days at the latest.

(4) Meetings of the academic senate of the faculty are open to the public. The dean or, in their absence, a vice-dean, the rector or, in their absence, a vice-rector, and the chair of the academic senate of the public higher education institution or, in their absence, a member of the academic senate of the public higher education institution authorised by the chair, shall have the right to speak at meetings upon request. At the request of the dean or the rector, the chair of the academic senate of the faculty shall convene an extraordinary meeting without delay.

## Section 27

(1) The academic senate of the faculty:

- a) decides, on the proposal of the dean, on the establishment, merger, amalgamation, division or dissolution of faculty units,
- b) approves proposals for internal regulations of the faculty, either on the proposal of the dean or, in the case of the rules of procedure of the faculty academic senate, on the proposal of a member of the academic senate of the faculty, for which the academic senate shall obtain the opinion of the dean, and forwards them through the chair of the academic senate of the public higher education institution for approval by the academic senate of the public higher education institution,
- c) approves the allocation of the faculty's financial resources submitted by the dean and oversees their use,
- d) approves the annual report on activities and the annual financial statement of the faculty, as submitted by the dean,
- e) approves the conditions for admission to study in the degree programmes delivered by the faculty,
- f) gives prior consent to the dean for the appointment and dismissal of members of the faculty scientific board or artistic board (hereinafter the “scientific board of the faculty”) and members of the faculty disciplinary committee,
- g) adopts a resolution on the proposal for appointment of the dean or, where appropriate, proposes their dismissal,
- h) on the proposal of the dean, approves the strategic plan for the educational and creative activities of the faculty (hereinafter the “strategic plan of the faculty”) and the annual plan for its implementation, drawn up in accordance with the strategic plan of the public higher education institution and its annual implementation plan, after consultation with the scientific board of the faculty.

(2) The academic senate of the faculty shall also express its opinion in particular:

- a) on proposals for degree programmes delivered by the faculty,
- b) on the dean's intention to appoint or dismiss vice-deans.

(3) The proposals referred to in paragraph 1(a) to (e) and (h) and the supporting documents for the decision under paragraph 1(g) must be made available by their proposer, or if not the dean then the chair of the academic senate of the faculty, to members of the academic community of the faculty in a manner allowing remote access at least 7 days before they are discussed.

(4) Resolutions, especially those under paragraph 1(g), shall be adopted by the academic senate of the faculty by secret ballot. A proposal for the appointment of the dean shall be adopted if supported by an absolute majority of all members of the academic senate of the faculty; a proposal for the dismissal of the dean shall be adopted if supported by at least three-fifths of all members of the academic senate.

## Section 28

### **Dean**

(1) The dean is the head of the faculty; they act and make decisions on matters of the faculty, unless otherwise stipulated by this Act.

(2) The dean is appointed and dismissed by the rector on the proposal of the academic senate of the faculty.

(3) The rector may dismiss the dean on their own initiative, but only after obtaining the opinion of the academic senate of the faculty and with the consent of the academic senate of the public higher education institution, if the dean seriously fails to fulfil their duties or seriously harms the interests of the higher education institution or the faculty. If the academic senate of the faculty or the academic senate of the public higher education institution fails to express an opinion on the rector's intention to dismiss the dean within 60 days from the date on which the request for an opinion was received, it shall be deemed that consent to the dismissal was given on the last day of that period.

(4) The term of office of the dean is four years. The same person may hold the position of dean at the same faculty for no more than two consecutive terms.

(5) The dean is represented within the scope determined by the dean by vice-deans. Vice-deans are appointed and dismissed by the dean.

### **Scientific Board of the Faculty**

## Section 29

(1) The chair of the scientific board of the faculty is the dean, who appoints and

dismisses the other members of the scientific board of the faculty; the length of the term of office of other members may be determined by the internal regulations of the public higher education institution or the faculty.

(2) Members of the scientific board of the faculty are distinguished representatives of disciplines in which the faculty carries out educational and creative activities. At least one third of the members must be persons other than members of the academic community of the public higher education institution to which the faculty belongs.

### Section 30

(1) The scientific board of the faculty:

- a) discusses the draft strategic plan of the faculty and its annual implementation plan before their submission to the academic senate of the faculty,
- b) approves proposals for degree programmes to be delivered at the faculty and submits them through the rector to the scientific board of the public higher education institution for approval,
- c) proposes to the rector the intention to submit an application for accreditation, for the extension of accreditation, or for the prolongation of the validity of accreditation for degree programmes delivered at the faculty,
- d) proposes to the rector the intention to submit an application for accreditation of habilitation procedures and procedures for the appointment of professors, where such procedures are to be conducted at the faculty,
- e) exercises powers in habilitation procedures and in procedures for the appointment of professors to the extent laid down in this Act.

(2) The scientific board of the faculty expresses its opinion in particular on matters submitted to it by the dean.

### Section 31

#### **Disciplinary Committee of the Faculty**

(1) The members of the disciplinary committee of the faculty are appointed and dismissed by the dean from among the members of the academic community of the faculty. Half of the members of the disciplinary committee must be students. The disciplinary committee shall elect and dismiss its chair from among its members.

(2) The term of office of the members of the disciplinary committee of the faculty is determined by the internal regulations of the faculty.

(3) The disciplinary committee of the faculty considers disciplinary infractions committed by students enrolled at the faculty and submits proposals for decisions to the dean.

### Section 32

## **Faculty Secretary**

(1) The faculty secretary manages the financial and internal administration of the faculty to the extent determined by a measure issued by the dean.

(2) The secretary is appointed and dismissed by the dean.

### Section 33

## **Internal Regulations of the Faculty**

(1) The internal regulations of the faculty govern matters falling within the faculty's self-governing authority and its relationship with the public higher education institution, unless otherwise regulated by law.

(2) The internal regulations of the faculty are:

- a) the statute of the faculty,
- b) the election regulations of the academic senate of the faculty,
- c) the rules of procedure of the academic senate of the faculty,
- d) the rules of procedure of the scientific board of the faculty,
- e) the disciplinary code of the faculty for students,
- f) other regulations, if stipulated by the statute of the faculty.

(3) The content of the faculty statute shall be subject to Section 17(2) applied with the necessary modifications.

(4) The internal regulations of theological faculties shall be submitted for approval to the academic senate of the higher education institution after being approved by the relevant church or religious society, if such approval is required by the internal regulations of that church or religious society.

(5) The internal regulations of the faculty shall be published in the public section of the faculty's website, including information on their period of validity and effectiveness.

## **Part 2**

## **Higher Education Institute**

### Section 34

(1) A higher education institute carries out creative activity and may participate in the delivery of accredited degree programmes or their components.

(2) The establishment, merger, amalgamation, division, or dissolution of a higher education institute shall be decided by the academic senate of the public higher education institution upon the proposal of the rector.

(3) The head of the higher education institute is the director, who is appointed and dismissed by the rector.

(4) The director of the higher education institute is authorised to act on behalf of the public higher education institution only in matters specified by the internal regulations of the institution.

(5) The director of the higher education institute shall appoint and dismiss, with the consent of the academic senate of the public higher education institution, the scientific board or artistic board or, at a non-university institution, the academic board of the higher education institute (hereinafter referred to as the “scientific board of the higher education institute”), to which Sections 29 and 30 shall apply with the necessary modifications.

### **Part 3**

#### **University Agricultural or Forestry Enterprise**

##### **Section 35**

(1) A university agricultural or forestry enterprise is a unit of a public higher education institution where students of degree programmes in agriculture, veterinary medicine and veterinary hygiene, or forestry undertake practical training, and where research or development activity is carried out in connection with these degree programmes.

(2) The establishment, merger, amalgamation, division, or dissolution of a university agricultural or forestry enterprise shall be decided by the academic senate of the public higher education institution upon the proposal of the rector.

(3) The head of the university agricultural or forestry enterprise is the director, who is appointed and dismissed by the rector.

(4) The director of the university agricultural or forestry enterprise is authorised to act on behalf of the public higher education institution only in matters specified by the internal regulations of the institution.

### **CHAPTER III**

#### **POWERS OF THE MINISTRY**

##### **Section 36**

(1) The internal regulations of a public higher education institution are subject to registration by the Ministry. The application for registration shall be submitted to the Ministry by the rector.

(2) The Ministry shall decide on the application within 90 days from the date of its

submission. If the application is approved, the Ministry shall indicate registration on a copy of the registered internal regulation. No decision on registration is issued.

(3) If the internal regulation of a public higher education institution is contrary to the law or another legal regulation, the Ministry shall reject the registration by decision.

(4) The internal regulation becomes valid upon registration.

(5) Paragraphs 1 to 4 also apply to amendments to internal regulations.

### Section 37

If a measure or internal regulation of a public higher education institution or its component is contrary to the law or another legal regulation, and if the law does not provide for another means of review, the Ministry shall call upon the higher education institution to remedy the situation within a reasonable time.

### Section 38

(1) If a public higher education institution or one of its components:

- a) has not established one of its self-governing bodies,
  - b) has not adopted internal regulations which it is required to adopt under this Act,
  - c) has no accredited degree programme or has had the accreditation of all degree programmes suspended without holding unlimited institutional accreditation for at least one field of education,
  - d) exhibits serious deficiencies in its financial management that threaten the fulfilment of its tasks, or
  - e) seriously breaches the obligations laid down by this Act,
- the Ministry may restrict the exercise of the powers of the bodies of the public higher education institution or its component, or may withdraw such powers entirely.

(2) In deciding on the content of the restriction or on the withdrawal of powers, the seriousness of the deficiencies and the nature and extent of the actual or potential harm shall be taken into account. The restriction shall be imposed to the extent necessary to remedy the situation.

(3) If the measure under paragraph 1 concerns the bodies of the public higher education institution, their powers shall transfer to the Ministry or to another public higher education institution designated by the Ministry by mutual agreement. If the measure under paragraph 1 concerns the bodies of a component of a public higher education institution, their powers shall transfer to the rector.

(4) Unless the nature of the matter prevents it, the Ministry is obliged first to notify the public higher education institution of the circumstances referred to in paragraph 1 and invite it to remedy the situation within a reasonable period.

(5) If the reasons for which the measure under paragraph 1 was taken no longer apply, the Ministry shall revoke the measure.

## **PART THREE**

### **PRIVATE HIGHER EDUCATION INSTITUTION**

#### **State Approval**

##### **Section 39**

(1) A legal entity that has its registered office, central administration, or principal place of business within the territory of a Member State of the European Union and has been established or incorporated under the law of a Member State of the European Union is entitled to operate as a private higher education institution if the Ministry has granted it state approval.

(2) The authorisation to operate as a private higher education institution is non-transferable and does not pass to legal successors, except as provided in Section 39a(7) and (8).

(3) At the request of the founders, the Ministry may issue state approval even before the legal entity intending to operate as a private higher education institution is entered in the commercial or other relevant register, provided that the legal entity is required to be registered and it has been demonstrated that it has been established or incorporated. This legal entity must submit an extract from the register to the Ministry within 15 days of receiving the relevant document confirming its registration. The state approval shall take effect no earlier than upon the establishment of the legal entity to which state approval is granted.

(4) An application for state approval shall include:

a) the name, registered office and type of the higher education institution,

(b) the legal form of the legal entity and its governing body;

(c) the strategic plan for the educational and creative activities of the private higher education institution (hereinafter referred to as the “strategic plan of the private higher education institution”);

(d) information on the personnel, financial, material, and other provisions ensuring the activities of the private higher education institution;

(e) proposed degree programmes;

(f) a draft of the internal regulations governing the organisation and activities of the private higher education institution and the status of members of the academic community;

(g) documents demonstrating the integrity of the applicant, if it is a foreign legal entity, and the integrity of members of the governing body or any other equivalent governing body of the applicant who are foreign nationals or foreign legal entities, unless it concerns a case under

paragraph 3; such documents must not be older than three months as of the date of submission of the application and must be provided in the original or as an officially certified copy.

(5) The applicant is required to substantiate the information provided in the application.

(6) Unless it concerns a case under paragraph 3, the Ministry shall, for the purpose of verifying the integrity of the applicant and the members of its governing body or other equivalent managing authority, request an extract from the criminal records in accordance with other legal regulations.

(7) Unless it concerns a case under paragraph 3, the applicant shall submit, for the purpose of verifying the integrity of the members of its governing body or other equivalent managing authority who are foreign nationals or foreign legal entities, an extract from the foreign criminal records or an equivalent document issued by the authorities of the state:

a) of which the individual is a citizen, as well as the authorities of the state in which the individual last resided continuously for more than six months during the three years immediately preceding the date of submission of the application for state approval; for the verification of the integrity of an individual who is or was a citizen of another Member State of the European Union or has or had residence in another Member State of the European Union, an extract from the criminal records shall suffice, including any annex containing information on final convictions for criminal offences and related data recorded in that state's register;

(b) in which the foreign legal entity has or had its registered office in the three years immediately preceding the date of submission of the application for state approval, as well as the authorities of the state in which the foreign legal entity has or had, within the same period, an organisational unit of a business establishment, provided that the legal order of that state regulates the criminal liability of legal entities.

(8) Unless it concerns a case under paragraph 3, the applicant shall proceed analogously to paragraph 7(a) to verify the integrity of a Czech citizen who has resided continuously for more than six months in a foreign country within the three years immediately preceding the date of submission of the application for state approval.

(9) If a foreign state does not issue an extract from the criminal records or an equivalent document, or if legal or other obstacles prevent the submission of such an extract, the applicant shall submit a statutory declaration of integrity, if it is a foreign legal entity, or a statutory declaration of integrity of a member of its governing body or other equivalent managing authority who is a foreign national, a foreign legal entity, or a Czech citizen who has resided continuously for more than six months in a foreign country within the three years immediately preceding the date of submission of the application for state approval.

(10) The Ministry shall decide on the application within 150 days of its receipt. Before making a decision, the Ministry shall request an opinion from the Accreditation Authority on the granting of state approval; the Accreditation Authority shall issue its opinion within 90 days of receiving the Ministry's request. The granting of state approval does not constitute an entitlement to the granting of institutional accreditation, accreditation of a degree programme, or accreditation of a habilitation procedure or a procedure for the appointment of professors.

## Section 39a

(1) The Ministry shall not grant state approval if

- a) the Accreditation Authority has not issued a positive opinion on granting state approval,
- b) it finds that the data on the personnel, financial, material and other support for the activities of the higher education institution, assessed also taking into account the draft degree programmes, do not indicate sufficient fulfilment of the conditions for the proper implementation of the educational and creative activities and other tasks of the higher education institution,
- c) the draft internal regulations are in conflict with this Act or other legal regulations,
- d) the legal entity that is to operate as a private higher education institution, or any of the members of its statutory or other similar management body are not of good repute, or
- e) the legal entity that is to operate as a private higher education institution, or any of the members of its statutory or other similar management body are not trustworthy.

(2) The following persons shall not be considered to be of good repute pursuant to paragraph 1 letter d) and Section 42 paragraph 1 letter l) point 2:

- a) a legal entity that is to operate as a private higher education institution that has been finally convicted of a criminal offence committed through negligence in connection with the provision of education or for an intentional criminal offence, unless it is regarded as if it had not been convicted,
- b) a member of the statutory or other similar governing body of a legal entity that is to operate as a private higher education institution that has been finally convicted of a criminal offence committed through negligence in connection with the provision of education or for an intentional criminal offence, unless it is regarded as if it had not been convicted.

(3) The following shall not be considered trustworthy pursuant to paragraph 1 letter e):

- a) a legal entity for a period of 5 years from the date of entry into force of a decision by which it was revoked the state consent to operate as a private higher education institution due to a serious breach of obligations set out in this Act or an internal regulation of a private higher education institution,
- b) a natural person for a period of 5 years from the date of entry into force of a decision by which it was revoked the state consent to operate as a private higher education institution from a legal entity in which the given natural person acted as a member of its statutory or other similar management body, if the reasons for the withdrawal of the state consent arose during the period of his/her activity.

(4) The Accreditation Authority shall not issue a favourable opinion on an application for state approval for the reasons specified in paragraph 1 letter b) or for the reason that the applicant has not submitted a proposal for a single study programme that meets the requirements specified in Part Four of this Act and meets the requirements of the standards specified in

Section 78a paragraph 2 letter b) point 1; the unfavourable opinion of the Accreditation Authority must contain a justification. If the Ministry finds in the application proceedings that the facts stated in the justification for not issuing a favourable opinion of the Accreditation Authority do not correspond to reality or the law, it may invite the Accreditation Authority to a new meeting to issue an opinion and eliminate the shortcomings in the justification; the Accreditation Authority shall issue an opinion within 30 days from the date on which the Ministry's invitation was delivered to it. If the appeal against the decision of the Ministry to reject the application for state approval is directed against the content of the dissenting opinion of the Accreditation Office, the Minister shall request from the Accreditation Office confirmation or amendment of the opinion on granting state approval and the Accreditation Office shall issue such confirmation or amendment of the opinion within 60 days from the date on which the Ministry's request was delivered to it; the deadline for issuing the appeal decision shall not run while the matter is being handled by the Accreditation Office, which is the competent body of the Accreditation Office that issued the dissenting opinion.

(5) If the Ministry grants state approval, it shall also decide on the registration of internal regulations; a final decision on granting state approval and registering internal regulations shall enter into force on the date on which the decision by which the applicant was first granted accreditation of the study programme becomes legally binding. If the Ministry does not grant state consent, the applicant may submit a new application for state consent no earlier than 1 year after the date on which the decision not to grant state consent becomes legally effective.

(6) State approval shall become invalid if the applicant, to whom state approval has been validly granted, fails to submit an application for accreditation of the study programme within 3 months of the date of entry into force of the decision granting state approval, fails to obtain accreditation within 1 year of the said date, or fails to commence the implementation of at least one study programme within 2 years of the said date.

(7) If a legal entity with state approval to operate as a private higher education institution is dissolved by merger pursuant to a special legal regulation with another or other legal entities with state approval to operate as a private higher education institution (hereinafter referred to as "conversion"), the authorization of the dissolved legal entity to operate as a private higher education institution, its valid accreditation of study programs and any limitations on accreditation, as well as its students of accredited study programs, shall be transferred to the successor legal entity upon the effectiveness of the conversion, if the latter has its registered office, central administration or principal place of business in the territory of a Member State of the European Union and if it was established or founded under the law of a Member State of the European Union.

(8) If the accreditations of identical study programs that are transferred to the successor legal entity pursuant to paragraph 7 have different validity periods, the longer one shall be valid from the date of entry into force of the conversion; Before the expiration of this validity period of the accreditation of the study programme, the successor legal entity may apply for its extension pursuant to Section 80, paragraph 3. If the successor private higher education institution was established by merger pursuant to paragraph 5, it is obliged to apply to the Ministry for registration of internal regulations within 30 days of its establishment.

(9) The provision of paragraph 7 on the transfer of accreditation of degree programmes of a legal entity being dissolved to a successor legal entity does not apply to the transfer of institutional accreditation and accreditation of habilitation procedures and procedures for

appointment as professor. However, as regards degree programmes implemented by a private higher education institution on the basis of institutional accreditation on the day preceding the day of transformation, these become degree programmes implemented by the successor private higher education institution, accredited for a period of 3 years, on the day of transformation; students of the said degree programmes also transfer to the successor private higher education institution.

## Section 40

### **Funding of a Private Higher Education Institution**

(1) A legal entity that has obtained authorisation to operate as a private higher education institution is obliged to ensure financial resources for its educational and creative activities.

(2) The Ministry may provide a grant to a private higher education institution for scholarships under Section 91(2)(e) and Section 91(5). The conditions for such grants, their utilisation, and settlement are governed by general regulations for the management of public funds from the state budget.

(3) The amount of grants under paragraph 2 shall be determined based on the strategic plan of the private higher education institution and its annual implementation plan, the Ministry's strategic plan and its annual implementation plan, the type and financial demands of accredited degree programmes, the number of students, and the results achieved in educational and creative activities and their complexity.

(4) The provision of grants to private higher education institutions for research and development shall be governed by special legal regulations on support for research and development<sup>7a)</sup>.

## Section 41

### **Internal Regulations of a Private Higher Education Institution**

(1) A legal entity that holds state approval to operate as a private higher education institution shall issue internal regulations of the private higher education institution specifying which bodies of that legal entity exercise the powers of a higher education institution, or where applicable, the powers of its constituent parts, as laid down in Parts Four to Eleven and in Part Seventeen.

(2) The internal regulations of a private higher education institution shall include:

- a) the statute of the private higher education institution,
- b) the study and examination regulations,
- c) the scholarship and bursary regulations,
- d) the disciplinary code for students,
- e) the rules for the system of quality assurance of educational, creative, and related activities

and the internal evaluation of the quality of educational, creative, and related activities of the private higher education institution,

f) the lifelong learning regulations, if the private higher education institution provides lifelong learning programmes under Section 60,

g) the regulations on tuition and related fees,

h) other regulations, if stipulated by the statute of the private higher education institution.

(3) The statute of a private higher education institution shall include at least:

a) the name, registered office and type of the higher education institution,

b) information on the legal form and identification number, if assigned, of the legal entity that has been granted state approval to operate as a private higher education institution,

c) identifying information on the founder(s),

d) in the case of the dissolution of a legal entity holding state approval under Section 39a(7), identifying information on the dissolved legal entity with authorisation to operate as a private higher education institution and on the successor legal entity also authorised to operate as a private higher education institution,

e) designation of the governing body or other equivalent managing authority and other bodies of the legal entity holding state approval, including a definition of their powers,

f) identification of the body authorised to approve the internal regulations of the private higher education institution under paragraph 2 and of its constituent parts,

g) organisational structure,

h) general conditions for admission to study and the application procedure,

i) conditions for the study of foreign nationals,

j) rules for the use of academic insignia and the conduct of academic ceremonies,

k) rules for decision-making concerning the rights and obligations of students,

l) rules for the delivery of documents to students, applicants, and persons with interrupted studies under Section 69a.

(4) Section 36 shall apply by analogy to the registration of internal regulations of a private higher education institution and their amendments.

## Section 42

### **Other Obligations of a Private Higher Education Institution**

(1) A private higher education institution is obliged to:

- a) annually prepare, submit to the Ministry, and publish as a non-periodical publication <sup>11)</sup> in the public section of its website the annual report on activities, and, if it has received a grant, also the annual financial report of the institution, in the format and by the deadline determined and published by the Ministry in the public section of its website,
- b) prepare, discuss with the Ministry, and publish as a non-periodical publication <sup>11)</sup> in the public section of its website the strategic plan of the private higher education institution and the annual plan for its implementation, in the format and by the deadline determined and published by the Ministry in the public section of its website,
- c) provide the Accreditation Authority and the Ministry, upon request, within the specified deadlines and free of charge, with the information necessary for the performance of their activities under this Act,
- d) conduct internal evaluation of the quality of its educational, creative, and related activities under the conditions set out in Section 77b,
- e) establish a contact point designated to provide information on measures to ensure equal opportunities to study at the higher education institution, to prevent and address cases of discrimination, and to ensure equal treatment and a safe environment at the higher education institution, and to publish details of this contact point in the public section of its website,
- f) publish in the public section of its website a list of accredited degree programmes it delivers, including their type and profile, form of study, standard length of study, and accessibility for persons with disabilities, and a list of fields in which it is authorised to conduct habilitation procedures or procedures for the appointment of professors; it must also promptly inform the Accreditation Authority of changes made within the authorisation arising from institutional accreditation and of changes in the list of degree programmes delivered,
- g) publish in the public section of its website information about any restriction or withdrawal of institutional accreditation, any restriction or termination of the authorisation to deliver a degree programme, any restriction or withdrawal of accreditation of degree programmes, and any suspension or withdrawal of accreditation of a habilitation procedure or a procedure for the appointment of professors,
- h) publish in the public section of its website its registered internal regulations and the internal regulations of its faculties, including information on their validity and effectiveness,
- i) implement appropriate measures for students who are parents or persons who have taken a child into care replacing parental care based on a decision by the competent authority under the Civil Code<sup>29</sup> or legal regulations governing state social support<sup>30</sup>, for the recognised period of parenthood,
- j) notify the Ministry that insolvency proceedings have been declared against or concluded for the private higher education institution under legislation governing insolvency and its resolution<sup>13)</sup>,
- k) notify the Ministry and the Accreditation Authority of the dissolution of the legal person

authorised to operate as a private higher education institution, or its termination under Section 39a(7),

l) inform the Ministry of:

1. any significant change to the data referred to in Section 39(4)(d) as submitted in the application for state approval,
2. loss of good character by the legal entity holding state approval to operate as a private higher education institution, loss of good character of a member of its governing or equivalent body, and loss of credibility of a member of its governing body or equivalent managing authority.

(2) Section 21(2) shall apply by analogy to the content of the annual report on activities of a private higher education institution, unless otherwise stipulated by a special regulation. 14)

(3) Section 21(3) shall apply by analogy to the content of the annual financial report of a private higher education institution, unless otherwise stipulated by a special regulation.

(4) The annual report on activities, the annual financial report, the strategic plan of the private higher education institution, and the annual plan for its implementation must be publicly accessible.

(5) The private higher education institution shall ensure reasonable support measures to promote equal opportunities for studying at the higher education institution, unless this is contrary to health requirements for eligibility to study the relevant degree programme. The rules for providing such measures shall be laid down in the internal regulations of the private higher education institution.

## Section 43

### **Competence of the Ministry**

(1) If any measure or internal regulation of a private higher education institution or its faculty is in conflict with the law or another legal regulation, and the law does not provide for another means of review, the Ministry shall call upon the higher education institution to remedy the situation within a reasonable period.

(2) The Ministry may revoke the state approval granted to a private higher education institution if:

a) it does not have any accredited degree programme, due to the withdrawal of programme accreditation, expiry of programme accreditation, or notification of the cancellation of an accredited programme, in the period following one year after the date of legal effect of the decision granting state approval, and it also does not hold institutional accreditation for any field of study,

b) it requests the revocation of the state approval,

c) it has not delivered any degree programme for more than six consecutive calendar months in the period following two years after the date of legal effect of the decision granting state approval,

d) during a single year, accreditation of more than two of its degree programmes or institutional accreditation for at least two fields of study has been revoked,

e) it fails to remedy the situation after being called upon to do so by the Ministry under paragraph 1, or

f) it seriously breaches its obligations established by this Act or by its internal regulations.

(3) The Ministry shall revoke the state approval if the application contained incorrect information decisive for the granting of state approval and such defects were not remedied by the date of the decision, or if changes have occurred under which the approval could not have been granted.

(4) Upon revocation of the state approval, the legal entity loses the authorisation to operate as a higher education institution and to carry out accredited activities.

(5) Unless the nature of the matter precludes it, the Ministry is obliged first to notify the private higher education institution of the circumstances referred to in paragraph 2(f) and to call upon it to remedy the situation within a reasonable period.

(6) If a private higher education institution has ceased to carry out educational activities for reasons other than the revocation of its state approval, it must notify the Ministry without delay.

(7) If the state approval to operate as a private higher education institution is revoked, the respective legal entity whose approval has been revoked is obliged to ensure that students are able to continue their studies in the same or a similar degree programme at another higher education institution.

## **PART FOUR**

### **DEGREE PROGRAMME AND FIELD OF STUDY**

#### **Section 44**

##### **Degree Programme**

(1) Higher education is attained through studies within an accredited degree programme in accordance with the study plan and in a prescribed form of study. For the purposes of this Act, a degree programme implemented by a higher education institution within the field or fields of study for which the institution holds institutional accreditation shall also be considered an accredited degree programme.

(2) The components of a degree programme shall include:

a) the name of the degree programme, its type, form, and objectives of study; in the case of a bachelor's or master's degree programme, also an indication of the profile of the degree programme,

b) definition of the graduate's profile of the degree programme,

- c) a description of study subjects,
- d) the rules and conditions for creating study plans, where applicable the length of work placements, which may also be carried out with another natural or legal entity,
- e) the standard length of studies with average study load expressed in academic years,
- f) the conditions the student must fulfil during the course of study in the degree programme and for its proper completion under Section 45(3), Section 46(3) and Section 47(4), including the content of the state examinations,
- g) the academic degree awarded,
- h) determination of the field or fields of study within which the degree programme is to be implemented, and the relation to other types of degree programmes in the same or related field(s) of study; in the case of a degree programme belonging to multiple fields of study, also the percentage representation of the core thematic areas pertaining to each field of study within the instruction.

(3) The study plan shall determine the temporal and content-based sequence of study subjects, their form of study, and the method of assessing study outcomes.

(4) The form of study shall indicate whether it is full-time, distance, or a combination of both.

(5) The profile of a bachelor's or master's degree programme may be:

a) professionally oriented, with an emphasis on mastering practical skills required for the profession, supported by the necessary theoretical knowledge, or

b) academically oriented, with an emphasis on acquiring theoretical knowledge necessary for professional practice including engagement in creative activities, while also allowing for the acquisition of essential practical skills.

(6) For degree programmes implemented by a higher education institution or its faculty, or jointly by multiple faculties of the same institution, the higher education institution shall appoint and remove a degree programme guarantor from among its academic staff in accordance with the rules set out in its internal regulations. The guarantor may only be an academic staff member who meets the conditions specified in the standards of accreditation of the degree programme for the proper performance of the duties referred to in paragraph 7. Only an associate professor, professor, or extraordinary professor under Section 70(2), first sentence, who is an academic staff member of the respective institution may act as guarantor of a master's or doctoral degree programme.

(7) The degree programme guarantor shall in particular coordinate the content development of the degree programme, supervise the quality of its implementation, evaluate the degree programme, and develop it further.

(8) A degree programme shall fall under a single field of study if the state examinations

verify profiling knowledge or skills from core thematic areas belonging to one field of study. A degree programme shall be deemed to fall under multiple fields of study if the state examinations or the defence of a dissertation verify profiling knowledge or skills from core thematic areas belonging to more than one field of study.

(9) In preparing, approving, and implementing degree programmes, the higher education institution shall ensure that the learning outcomes attained through the completion of the degree programme consist of specific professional knowledge, professional skills, and general competences that correspond to the relevant qualification level of learning outcomes as generally defined for each type of degree programme within the higher education qualifications framework (hereinafter referred to as the “qualifications framework”). The qualifications framework shall also define the classification or other specifications for each type of degree programme according to international qualifications frameworks for higher education and the average study load necessary for attaining the learning outcomes, expressed as a corresponding number of credits specified by their time value or assignment within an international credit transfer and accumulation system. The qualifications framework shall be established by implementing legal regulation.

#### Section 44a

##### **Field of Study**

(1) A field of study is a thematically defined area of higher education within which degree programmes of similar or related content focus are prepared, approved, and implemented, reflecting a common theoretical and methodological foundation of the given field of study.

(2) A list of fields of study is provided in Annex 3 to this Act.

(3) The Government shall define, by regulation, the scope of individual fields of study, including:

- a) the basic thematic areas that are characteristic and determinative for the given field of study,
- b) a list of typical degree programmes falling under the given field of study,
- c) a framework graduate's profile in the given field of study, including the main educational objectives covering professional knowledge, skills, and other competences, and the characteristic professions, particularly regulated professions, that are relevant.

#### Section 45

##### **Bachelor's Degree Programme**

(1) A bachelor's degree programme is aimed at preparing students for professional practice and for study in a master's degree programme.

(2) The standard length of studies, including work placements, is at least three and at most four years.

(3) Studies are properly completed by a final state examination, the content and form of which correspond to the profile of the degree programme. The final state examination may consist of multiple parts; one part may be the defence of the bachelor's thesis. The final state examination may not consist solely of the defence of the bachelor's thesis.

(4) Graduates of bachelor's degree programmes shall be awarded the academic degree of "Bachelor" (abbreviated as "Bc." preceding the name), and in the field of arts the academic degree of "Bachelor of Arts" (abbreviated as "BcA." preceding the name); graduates in the field of arts admitted to study pursuant to Section 48(2) shall be awarded the academic degree only after attaining secondary education with a school-leaving examination or tertiary vocational education in a conservatoire.

## Section 46

### **Master's Degree Programme**

(1) A master's degree programme is aimed at acquiring theoretical and practical knowledge based on the current state of scientific knowledge, research, and development, mastering its application, and developing creative activity skills; in the field of arts, it focuses on demanding artistic training and the development of talent.

(2) Unless this Act provides otherwise, a master's degree programme follows on from a bachelor's degree programme; the standard length of study is at least one and at most three years. In cases where the nature of the degree programme requires it, the master's degree programme does not follow on from a bachelor's degree programme; in such cases, the standard length of study is at least four and at most six years.

(3) Studies are properly completed by a final state examination, which may consist of multiple parts and whose content and form correspond to the profile of the degree programme; one part must be the defence of a diploma thesis. The final state examination may also consist solely of the defence of the diploma thesis. In the fields of general medicine, military general medicine, dentistry, military dentistry, veterinary medicine, and veterinary hygiene, studies are properly completed by a state rigorous examination.

(4) Graduates of master's degree programmes shall be awarded the following academic degrees:

a) in the fields of economics, technical sciences and technologies, agriculture, forestry, and military studies – "Engineer" (abbreviated as "Ing." preceding the name),

b) in the field of architecture – "Engineer Architect" (abbreviated as "Ing. arch." preceding the name),

c) in the fields of general medicine and military general medicine – "Doctor of Medicine" (abbreviated as "MUDr." preceding the name),

d) in the fields of dentistry and military dentistry – "Doctor of Dental Medicine" (abbreviated as "MDDr." preceding the name),

e) in the fields of veterinary medicine and veterinary hygiene – "Doctor of Veterinary Medicine"

(abbreviated as “MVDr.” preceding the name),

f) in the field of arts – “Master of Arts” (abbreviated as “MgA.” preceding the name),

g) in other fields – “Master” (abbreviated as “Mgr.” preceding the name).

Graduates of master's degree programmes in the field of arts admitted to study pursuant to Section 48(2) shall be awarded the academic degree only after attaining secondary education with a school-leaving examination or tertiary vocational education in a conservatoire.

(5) Graduates of master's degree programmes who have obtained the academic degree of “Master” may take, in the same field of study, a state rigorous examination, which includes the defence of a rigorous thesis. For the acts related to the submission and taking of this examination, a higher education institution may set a fee not exceeding twice the base amount referred to in Section 58(2); if the applicant fails to pay the fee within the prescribed period, the application is deemed to have been withdrawn. These graduates are entitled, for a fee, to use the facilities and information technologies necessary for preparing for this examination in accordance with rules determined by the higher education institution. Upon successful completion, the following academic degrees shall be awarded:

a) in the field of law – “Doctor of Laws” (abbreviated as “JUDr.” preceding the name),

b) in the fields of humanities, education, non-medical healthcare, and social sciences – “Doctor of Philosophy” (abbreviated as “PhDr.” preceding the name),

c) in the field of natural sciences – “Doctor of Natural Sciences” (abbreviated as “RNDr.” preceding the name),

d) in the field of pharmacy – “Doctor of Pharmacy” (abbreviated as “PharmDr.” preceding the name),

e) in the field of theology – either “Licentiate of Theology” (abbreviated as “ThLic.” preceding the name) or “Doctor of Theology” (abbreviated as “ThDr.” preceding the name).

(6) Upon completion of the state rigorous examination under paragraph 5, the higher education institution shall issue a diploma; this diploma is a public document and bears the state emblem of the Czech Republic<sup>16)</sup>, along with the name of the relevant higher education institution and the academic degree awarded. The diploma for the state rigorous examination is usually awarded at an academic ceremony. The higher education institution is authorised to include the personal identification number of the individual concerned in the diploma, if such number has been assigned.

## Section 47

### **Doctoral Degree Programme**

(1) A doctoral degree programme is aimed at scientific research and independent creative activity in the field of research or development, or at independent theoretical and creative activity in the field of arts.

(2) The standard length of study is at least three and at most four years.

(3) Study in a doctoral degree programme is carried out according to an individual study plan under the supervision of a supervisor.

(4) The programme is properly completed by a final state examination consisting of the defence of a dissertation (doctoral thesis). The dissertation must include original results of the student's creative activity, published in a manner customary for publishing results of research, development, or other creative activities in the relevant field, or results accepted for publication in such a manner. The dissertation may also include an artistic output or a functional prototype of a technical device, a patent application, or technical documentation produced during research, development, or innovation activity, or another practically implemented outcome of research, development, or innovation.

(5) Graduates of doctoral degree programmes shall be awarded the academic degree of "Doctor" (abbreviated as "Ph.D." following the name).

(6) Study in a doctoral degree programme is supervised and evaluated by a subject-area board established in accordance with the internal regulations of the higher education institution or its faculty that holds the accreditation for the relevant degree programme. For degree programmes in the same field of study, higher education institutions or their constituent parts may, by agreement, establish a joint subject-area board. The chair of the subject-area board is the guarantor of the doctoral degree programme.

#### Section 47a

(1) Study in a bachelor's, master's, or doctoral degree programme may also be conducted in cooperation with a foreign higher education institution that implements a degree programme of related content.

(2) The conditions of cooperation under paragraph 1 shall be regulated, in accordance with the provisions of this Act and the legal regulations of the state in which the cooperating foreign higher education institution is established, by an agreement between the participating higher education institutions. This agreement may in particular regulate admission to study, specify the organisation of the part of the studies conducted at the foreign higher education institution and the conditions for its completion, details regarding documentation of completion of that part of study and recognition of examinations or other study obligations fulfilled at the foreign higher education institution, the potential joint awarding of a foreign academic degree, and the academic rights and responsibilities of the student in accordance with the internal regulations of the higher education institution and the legal regulations of the state in which the studies are conducted.

(3) Graduates of degree programmes implemented in cooperation with a foreign higher education institution shall be awarded the academic degree according to Section 45(4), Section 46(4), or Section 47(5), and possibly also an academic degree of the foreign higher education institution in accordance with the legal regulations of the respective state. The higher education diploma shall indicate the cooperating foreign higher education institution and, where applicable, that the awarded foreign academic degree is a joint degree simultaneously awarded by the foreign higher education institution.

#### Section 47b

## **Making Final Theses Publicly Accessible**

(1) The higher education institution shall, without undue delay, make bachelor's, diploma, dissertation, and rigorous theses which have been defended publicly accessible free of charge on its website, including reviewers' reports and the record of the course and outcome of the defence, through an electronic database of qualification theses it maintains. The method of access shall be determined by the internal regulations of the higher education institution. A dissertation shall not be made publicly accessible if it has already been made accessible by another means.

(2) Bachelor's, diploma, dissertation, and rigorous theses submitted for defence must also be made accessible to the public at least five working days before the defence takes place, in the manner specified in the internal regulations of the higher education institution. Anyone may make extracts, copies, or reproductions of the accessible thesis at their own expense.

(3) By submitting the thesis, the author is deemed to consent to its being made publicly accessible in accordance with this Act, regardless of the outcome of the defence.

(4) The higher education institution may postpone the public accessibility of bachelor's, diploma, dissertation, and rigorous theses or parts thereof for the duration of the obstacle to their accessibility<sup>31)</sup>, but for no longer than 5 years in the case of a public or private higher education institution, or 15 years in the case of a state higher education institution. Information on the postponement of accessibility must be published in the same manner and with the same justification as bachelor's, diploma, dissertation, and rigorous theses.

### Section 47c

## **Proceedings at a Public Higher Education Institution on the Declaration of Invalidity of a State Examination or Part Thereof**

(1) In proceedings concerning the declaration of invalidity of a final state examination or part thereof, or of a state rigorous examination or part thereof, the decision shall be made by the rector of the public higher education institution at which the given state examination was conducted.

(2) The rector shall issue a decision declaring the state examination or part thereof invalid if the person whose state examination or part thereof is in question failed to meet, or only seemingly met, the conditions or requirements laid down by the Higher Educational Act, the degree programme, or the study and examination regulations for undertaking and successfully completing the state examination or its part as a result of:

- a) an intentional criminal offence,
- b) intentional unauthorised use of another person's work constituting a serious breach of legal regulations governing intellectual property rights, or
- c) other serious intentional dishonest or fraudulent conduct.

(3) A failure to meet the conditions for the successful completion of a state examination

or part thereof pursuant to paragraph 2 shall also be deemed to include a case of contradiction between the objective facts and the statements certified by a higher education diploma or a diploma certifying the completion of a state rigorous examination, where a person was issued such diploma without having taken the state examination or the relevant part thereof.

(4) Proceedings on the declaration of invalidity shall be initiated ex officio; they may be initiated by the rector:

a) no later than 3 years from the date on which the judgment convicting the person of an intentional criminal offence became final, in the case referred to in paragraph 2(a), or

b) no later than 7 years from the date of the actual or apparent taking of the state examination or its final part, in the case referred to in paragraph 2(b) or (c).

(5) If the rector finds no grounds for declaring the state examination or part thereof invalid under paragraph 2, the proceedings shall be discontinued by resolution.

(6) The documentation for the decision in the proceedings on the declaration of invalidity shall include the opinion of the appeals committee. The appeals committee shall have 7 members, of whom 6 are appointed by the rector from among professors, associate professors, extraordinary professors, or other experts; the seventh member shall be a student of the public higher education institution, also appointed by the rector. Details on the composition of the appeals committee shall be laid down in the internal regulations of the public higher education institution. The appeals committee shall adopt resolutions by a majority vote of all its members.

#### Section 47d

(1) The rector shall issue a decision in the proceedings on the declaration of invalidity within 150 days of their initiation. The appeals committee shall submit its opinion within 90 days of being requested to do so by the rector. If the rector departs from the opinion of the appeals committee in the course of the proceedings, they are obliged to provide justification for this in their decision.

(2) No appeal may be lodged against the rector's decision on the declaration of invalidity of a state examination or part thereof. The decision shall take effect on the first day following the expiry of 2 months from the date of notification of the said decision; the timely filing of an action in administrative court proceedings<sup>33)</sup> shall have suspensive effect.

(3) The only party to the proceedings on the declaration of invalidity shall be the person whose state examination or part thereof is concerned.

#### Section 47e

(1) On the date when the final decision declaring the state examination prescribed at the conclusion of a degree programme or part thereof invalid becomes effective, the person whose state examination or part thereof was concerned shall lose the higher education attained through completion of the relevant studies and the corresponding academic degree; on that same date, the higher education diploma and the diploma supplement shall also cease to be valid.

(2) On the date when the final decision of the rector declaring the state rigorous

examination referred to in Section 46(5) or part thereof invalid becomes effective, the person whose state examination or part thereof was concerned shall lose the corresponding academic degree. On that same date, the diploma certifying completion of the state rigorous examination shall also cease to be valid.

(3) If, as a result of the effects of the decision under paragraph 1, a student of a follow-on master's or doctoral degree programme no longer meets the condition for admission to the degree programme as laid down in Section 48(1) or (3), they shall be expelled from the degree programme on the date when the decision becomes effective.

(4) The decision under paragraph 1 shall not give rise to student status for the person referred to in Section 47d(3); however, the rector of the public higher education institution may, in such a decision and in cases worthy of special consideration, determine that the person concerned shall, on the date the decision becomes effective, acquire the right to enrol in a degree programme of that public higher education institution or its faculty as designated by the rector and to commence studies in the first year of that degree programme.

(5) The effects of previous acts, procedures, or decisions made by the person whose state examination or part thereof is concerned shall remain unaffected by the declaration of invalidity of the state examination or part thereof, even if such acts were carried out in the exercise of public authority or within the performance of a regulated profession or activity requiring professional competence demonstrated by a higher education diploma and diploma supplement that have ceased to be valid pursuant to paragraph 1.

(6) The higher education institution shall be obliged to inform the competent recognition authority within one day of the date on which the decision declaring the state examination or part thereof invalid becomes effective, if the examination was taken within studies of a degree programme aimed at preparation for the pursuit of a regulated profession.

#### Section 47f

### **Proceedings at a Private Higher Education Institution on the Declaration of Invalidity of a State Examination or Part Thereof**

The provisions of Sections 47c to 47e shall apply by analogy to proceedings conducted at a private higher education institution on the declaration of invalidity of a state examination or part thereof, with the competence of the authorities of the private higher education institution determined by the internal regulations of the institution. The effects of decisions referred to in Section 47e(1) to (5) shall also apply to decisions issued in review proceedings conducted at a private higher education institution.

#### Section 47g

### **Proceedings at a State Higher Education Institution on the Declaration of Invalidity of a State Examination or Part Thereof**

The provisions of Sections 47c to 47e shall apply by analogy to proceedings conducted at a state higher education institution on the declaration of invalidity of a state examination or part thereof. The effects of decisions referred to in Section 47e(1) to (5) shall also apply to decisions issued in proceedings on the declaration of invalidity conducted at a state higher

education institution.

## **PART FIVE**

### **STUDY AT A HIGHER EDUCATION INSTITUTION**

#### **Admission to Study**

##### Section 48

(1) The condition for admission to a bachelor's degree programme or to a master's degree programme that does not follow on from a bachelor's degree programme is the attainment of secondary education with a school-leaving examination. Applicants with tertiary vocational education from a conservatoire may also be admitted to study in the field of arts. The condition for admission to a master's degree programme that follows on from a bachelor's degree programme is the proper completion of studies in any type of degree programme.

(2) By way of exception, applicants may also be admitted to study in the field of arts without having attained secondary education with a school-leaving examination or tertiary vocational education in a conservatoire.

(3) The condition for admission to a doctoral degree programme is the proper completion of a master's degree programme, and in the field of arts also the attainment of an academic degree.

(4) An applicant who seeks admission to a bachelor's degree programme or to a master's degree programme that does not follow on from a bachelor's degree programme and who has obtained foreign secondary education through completion of a secondary education programme at a foreign secondary school, at an international secondary school, at a European School operating under the Convention defining the Statute of the European Schools, or at a school authorised by the Ministry to fulfil compulsory schooling under the Education Act, shall prove that they meet the condition of attaining secondary education with a school-leaving examination by submitting:

a) a document on the general recognition of equivalence or validity of a foreign certificate of attainment of foreign secondary education in the Czech Republic, obtained under the Education Act or under earlier legal regulations,

b) a certificate of award of the European Baccalaureate,

c) a certificate of award of the International Baccalaureate issued by an International Baccalaureate World School authorised by the Swiss foundation International Baccalaureate or associated in an association of International Baccalaureate World Schools recognised by the Swiss foundation International Baccalaureate,

d) a foreign certificate of foreign secondary education with a school-leaving examination, which is automatically recognised as equivalent in the Czech Republic under its international obligations without further administrative procedure, or

e) a foreign certificate of foreign secondary education obtained by completing a secondary

education programme at a foreign secondary school operating under the laws of a foreign state and which entitles its holder in that state to access studies in a bachelor's degree programme or in a master's degree programme that does not follow on from a bachelor's degree programme; the provisions of Section 90(2), last sentence, and Section 90(3) shall apply by analogy, and the higher education institution may also require submission of additional information concerning the foreign secondary education needed for assessment under paragraph 6, including confirmation from the competent foreign authority that the foreign secondary school in question was authorised to provide secondary education in the relevant foreign state at the time of the applicant's studies, and confirmation from the relevant foreign secondary school or another competent foreign authority that a graduate of the secondary education programme of that school is entitled in the given foreign state to seek admission to a bachelor's degree programme or to a master's degree programme that does not follow on from a bachelor's degree programme.

(5) An applicant seeking admission to a doctoral degree programme or to a master's degree programme that follows on from a bachelor's degree programme, who has obtained foreign higher education by completing a foreign higher education degree programme at a foreign higher education institution, shall prove that they meet the condition specified in the third sentence of paragraph 1 or in paragraph 3 by submitting:

- a) a document on the general recognition of foreign higher education in the Czech Republic, obtained under Sections 89 and 90 or under earlier legal regulations,
- b) a foreign certificate of foreign higher education which is, under the international obligations of the Czech Republic, automatically recognised as equivalent without further administrative procedure, or
- c) a foreign certificate of foreign higher education obtained by completing a foreign higher education degree programme at a foreign higher education institution operating under the legal regulations of a foreign state; the provisions of Section 90(2), last sentence, and Section 90(3) shall apply by analogy, and the higher education institution may also require the submission of additional information on the foreign higher education required for assessment under paragraph 6, including confirmation from the relevant foreign authority that the given foreign higher education institution was part of the higher education system in the respective foreign state at the time of the applicant's studies and that it was authorised to provide higher education in the given foreign higher education degree programme.

(6) Paragraph 4(e) and paragraph 5(c) may be applied if the higher education institution has no doubts about the attainment of foreign education by the applicant, as evidenced by a foreign certificate which:

- a) reaches the level of secondary education with a school-leaving examination, in the case of the procedure under paragraph 4(e), or
- b) meets the conditions for recognition arising from Section 90(5), which shall apply by analogy in the case of the procedure under paragraph 5(c).

The higher education institution may require the applicant to prove their education by means referred to in paragraph 4(a) or paragraph 5(a).

(7) The higher education institution may set a fee for the acts associated with the assessment of fulfilment of the condition for admission to study under paragraph 4(e) and

paragraph 5(c), which shall not exceed 20% of the base amount set pursuant to Section 58(2). The fee constitutes income of the higher education institution.

(8) Unless otherwise provided in paragraph 5(c), paragraph 6, or the final sentence, the procedure for proving and assessing fulfilment of the condition for admission to study under paragraph 5(c) shall not be governed by Sections 89 to 90b. A decision on the recognition of foreign higher education and qualifications in the Czech Republic pursuant to Section 89 shall not be issued in the case referred to in paragraph 5(c), and the higher education institution shall record in the admission procedure file any proof of fulfilment of the condition of proper completion of studies in any type of degree programme or proper completion of a master's degree programme in the manner specified in paragraph 5(c). The higher education institution shall also record in the admission procedure file any proof of fulfilment of the condition of attainment of secondary education with a school-leaving examination in the manner specified in paragraph 4(e). Section 90(4) shall apply by analogy to foreign certificates under paragraph 4(b) to (e) and paragraph 5(b) and (c), as well as to the verification of authenticity of signatures and stamps on original certificates.

#### Section 49

(1) A higher education institution or faculty may establish additional conditions for admission to study concerning certain knowledge, abilities, or talents, or academic performance at secondary school, and where applicable, at a tertiary vocational school or higher education institution; in the case of admission to a master's degree programme that follows on from a bachelor's degree programme, these may also include conditions related to the relatedness of degree programmes or the number of credits obtained during studies in selected types of subjects. Credits shall be understood as a quantitative expression of the study load for a specific part of studies. The institution may also set a maximum number of applicants to be admitted who meet the specified conditions; if more applicants meet these conditions, admission shall be based on the ranking of the best-performing applicants. Where required by the nature of the degree programme, a further condition for admission may be the applicant's medical fitness to study. Medical fitness is assessed in relation to the requirements for fitness to study in the relevant degree programme, which are published by the higher education institution or faculty in accordance with paragraph 5; the published requirements for medical fitness must be submitted by the applicant to the healthcare provider before the assessment. Medical fitness shall be assessed, and a medical report issued, by the registered provider in the field of general practice or in the field of paediatrics; if the applicant is not registered with such a provider, medical fitness shall be assessed, and a medical report issued, by any provider in the specified fields. The assessing physician must be qualified in general practice or paediatrics. In the case of studies in a degree programme focused on sport or physical education, the medical report shall be issued by a provider in the field of sports medicine.

(2) Conditions for the admission of foreign nationals to study in a degree programme must allow for the fulfilment of obligations arising from international treaties binding on the Czech Republic.

(3) A higher education institution or faculty may establish different admission conditions for:

a) applicants who have completed a degree programme or part thereof, or are currently studying another degree programme at a higher education institution in the Czech Republic or abroad,

or who have completed or are studying an accredited educational programme or part thereof at a tertiary vocational school in the Czech Republic or abroad, or

b) recipients or applicants for scholarships under development cooperation government scholarship programmes for studies at higher education institutions in the Czech Republic approved by the Government on the basis of the Act on Development Cooperation, or under programmes announced by the Ministry pursuant to Section 91b.

(4) Compliance with the conditions set under paragraphs 1 and 3 shall be verified, typically by an entrance examination.

(5) The higher education institution or faculty shall publish, in sufficient time but at least four months in advance, the deadline for submitting applications for study and the method of their submission in paper or electronic form, the admission conditions under paragraphs 1 and 3, the date and method of verifying their fulfilment, and if an entrance examination is part of this verification, the form and general content of the examination and the criteria for its evaluation. Where medical fitness is a condition for admission, the institution or faculty shall also publish the medical requirements for study in the relevant degree programme. This information must be published in the public section of the institution's or faculty's website. The same method shall be used to publish the maximum number of students to be admitted to the relevant degree programme. These obligations do not apply to admission under paragraph 2 or paragraph 3(b).

(6) Where the accreditation of a degree programme is granted by the Accreditation Authority or the degree programme is approved for implementation based on institutional accreditation for a given field or fields of study, the higher education institution or faculty shall not be required to observe the four-month application deadline in order to preserve the beginning of the academic year. In such cases, the application period may be shorter but must be at least one month. Other conditions stated in paragraph 5 remain unchanged.

## Section 50

### **Admission Procedure**

(1) The admission procedure is initiated upon delivery of the application for study to the higher education institution or its faculty implementing the relevant degree programme. In the application, the applicant shall always state their first name(s), surname, personal identification number (if assigned), and the address of permanent residence in the territory of the Czech Republic, or their residence outside the territory of the Czech Republic; a foreign national shall also state their date of birth, gender, residence in the Czech Republic, and citizenship. The only party to the admission procedure is the applicant concerned.

(2) Admission to study in a degree programme implemented by a faculty shall be decided by the dean of the faculty. Admission to study in a degree programme implemented by the higher education institution shall be decided by the rector.

(3) At private higher education institutions, admission to study shall be decided by the body specified in the internal regulations of the private higher education institution.

(4) A decision must be issued within 30 days of verification of the conditions for

admission. The higher education institution is not obliged to inform the applicant of the opportunity to comment on the documents forming the basis for the decision before issuing the decision.

(5) The applicant shall have the right to inspect the file after notification of the decision. The higher education institution may, instead of allowing inspection of the file, provide the applicant with a copy of the file.

(6) Appeals by applicants against the decision shall be decided by the rector. In the appeal procedure, the rector shall review the compliance of the contested decision and the preceding procedure with legal regulations, internal regulations of the higher education institution and faculty, and the conditions for admission to study as laid down by the institution or faculty.

(7) Within 15 days after the end of the admission procedure, the higher education institution or faculty shall publish a report on its course. If written entrance examinations form part of the admission procedure, the report shall include basic statistical characteristics of all its parts.

(8) The higher education institution or faculty shall process and provide data on applicants for the purpose of statistical surveys in accordance with a specific regulation<sup>15a</sup>.

## Section 51

### **Enrolment in Studies**

(1) Upon notification of the decision on admission to study, the applicant acquires the right to enrol in studies. Applicants shall enrol within the period and in the manner specified by the higher education institution or its faculty. If the applicant enrolls in studies before the expiry of the deadline for lodging an appeal against the decision on admission, it shall be deemed that the right to appeal has been waived by enrolling. If the applicant enrolls in studies after lodging an appeal during the appeal procedure, the appeal procedure shall be terminated by the enrolment; a resolution on the termination of the procedure shall not be issued.

(2) Enrolment shall take place at the higher education institution or its faculty implementing the relevant degree programme.

## Section 52

### **Study Schedule and Academic Year**

(1) Studies are structured in particular into semesters, years, or blocks. Each semester, year, or block consists of a period of instruction and examinations, and a holiday period.

(2) The academic year lasts 12 calendar months; its commencement is determined by the rector.

## Section 53

### **State Examinations**

(1) A state examination shall be held before an examination board; the conduct of the state examination and the announcement of the results are public.

(2) The right to examine during a state examination is reserved to professors, associate professors, extraordinary professors, and experts approved by the relevant scientific, artistic, or academic board.

(3) The Ministry may appoint additional members of the examination board from among leading experts in the field concerned.

## Section 54

### **Interruption of Studies**

(1) Studies in a degree programme may be interrupted, including repeatedly, under the conditions set out in the study and examination regulations. The study and examination regulations shall specify the maximum total duration of interruption of studies.

(2) A student is entitled to interrupt studies at any time in connection with pregnancy, childbirth, or parenthood, for the entire recognised period of parenthood. The right to interruption of studies during this period also applies in connection with the taking into care of a child replacing parental care based on a decision of the competent authority under the Civil Code or legal regulations governing state social support.

(3) The period of interruption of studies for the recognised period of parenthood shall not be included in the total period of interruption of studies under paragraph 1 or in the maximum period of study, if such a period is specified in the internal regulations.

(4) During the period of interruption of studies, the person shall not have student status. Upon the expiry of the period for which studies were interrupted, the person acquires the right to re-enrol in studies. The higher education institution shall establish conditions under which a person in a recognised period of parenthood may re-enrol earlier than the end of the originally specified interruption period.

## Section 54a

### **Special Provisions on the Course of Studies**

(1) In connection with pregnancy and childcare, a student shall have the right to an extension of deadlines for fulfilling study obligations, as well as for meeting the conditions for progression to the next semester, year, or block arising in particular from the study and examination regulations, for a period equivalent to the duration of maternity leave<sup>15b)</sup>, provided that the student does not interrupt their studies during this period.

(2) A student who submits to the higher education institution or faculty a certificate that they are a sports representative of the Czech Republic in a given sport, issued by the sports organisation representing that sport in the Czech Republic, shall have the right, in connection with this status, to modifications of the course of studies that will enable them to participate in representation and necessary training.

## Section 54b

### **Transfer Between Degree Programmes of a Higher Education Institution**

(1) For the purposes of a transfer between degree programmes of a higher education institution, the initial degree programme shall mean the degree programme implemented by the higher education institution or its faculty in which the student is enrolled or in which a physical person has been granted an interruption of studies. The continuing degree programme shall mean, for the purposes of transfer, a degree programme other than the initial one, implemented by the same higher education institution or its faculty, into which the student or person with interrupted studies transfers.

(2) During the course of studies or an interruption of studies in the initial degree programme, the student of that degree programme or the person with interrupted studies may apply for authorisation to transfer from the initial to the continuing degree programme, if provided for by the internal regulations of the higher education institution. The application for authorisation to transfer shall be decided by the higher education institution or faculty implementing the continuing degree programme. The provisions of Section 48 concerning the condition of prior education shall apply by analogy to transfers. Additional conditions for authorising a transfer may be set out in the study and examination regulations or other internal regulations of the higher education institution.

(3) If the higher education institution or faculty grants the application for transfer, it shall also ex officio decide on the recognition of part of the studies, examinations, or fulfilment of other academic obligations completed by the applicant within the initial degree programme, and on placement into the corresponding semester, year, or block of study in the continuing degree programme. At the same time, in accordance with the rules established in the study and examination regulations, it may extend the deadlines for fulfilling academic obligations or meeting the conditions for progression to the next semester, year, or block of study for the purposes of the continuing degree programme; it may also extend the maximum period of study or the maximum period of interruption of studies in the continuing degree programme, if these are provided for in the study and examination regulations.

(4) The application for authorisation to transfer shall be decided by the bodies referred to in Section 50(2) and (3). The provisions of Section 50(5) shall apply by analogy to the procedure for deciding on the application for transfer; the only party to the proceedings shall be the person whose studies are concerned.

(5) On the date of notification of the decision authorising the transfer, the student shall acquire the right to enrol in the continuing degree programme within the period set by the higher education institution or its faculty implementing or participating in the implementation of the continuing degree programme; a person with interrupted studies shall acquire the right to enrol in the continuing degree programme upon the expiry of the period for which studies in the initial degree programme were interrupted. If the student or person with interrupted studies enrolls in the continuing degree programme before the expiry of the time limit for appealing against the decision authorising the transfer, it shall be deemed that they have waived the right to appeal by enrolling. If the student or person with interrupted studies enrolls during the appeal proceedings, the appeal proceedings shall be terminated by the enrolment in the continuing degree programme; no resolution on the termination of proceedings shall be issued.

(6) The transfer becomes effective, and the student or person with interrupted studies becomes a student of the continuing degree programme on the date of enrolment in the continuing degree programme. The day preceding that enrolment shall be deemed the day on which the student ceased to be a student of the initial degree programme, and the person with interrupted studies in the initial degree programme lost the possibility of future re-enrolment in that initial programme; the final sentence of Section 54(4) shall apply by analogy.

(7) The period of study in the initial degree programme shall, from the date of enrolment in the continuing degree programme, be considered as part of the study period in the continuing degree programme for the purposes of assessing conditions for possible imposition of a fee for extended study under Section 58 and for the award of scholarships; the period of study in the initial programme shall also be counted towards the maximum period of study in the continuing degree programme, and the period of interruption of studies in the initial programme shall be counted towards the maximum interruption period in the continuing programme, if such maximum periods are set out in the study and examination regulations. Student membership in self-governing bodies of a public higher education institution or its faculty, which is conditional upon membership in the academic community of the institution or faculty, shall cease on the date of the transfer unless otherwise provided by the internal regulations of the higher education institution.

## **Completion of Studies**

### **Section 55**

(1) Studies are properly completed upon successful completion of the relevant degree programme. The date of completion of studies is the day on which the state examination prescribed at the conclusion of the degree programme, or its final part, was passed.

(2) The document certifying completion of studies and the attainment of the corresponding academic degree is the degree certificate/higher education diploma and the diploma supplement.

### **Section 56**

(1) Studies shall also be terminated:

- a) by withdrawal from studies,
- b) if the student fails to meet the requirements arising from the degree programme in accordance with the study and examination regulations,
- c) by transfer to another degree programme under Section 54b,
- d) upon the expiry of the accreditation of the degree programme,
- e) upon termination of the implementation of the degree programme for reasons stated in Section 81b(3),
- f) upon the expiry of the authorisation to implement the degree programme (Section 86(3) and

(4)]

g) by expulsion from studies under Section 47e(3), Section 47f, or Section 47g,

h) by expulsion from studies under Section 65(1)(c) or under Section 67.

(2) The date of termination of studies under paragraph 1(a) shall be the day on which the student's written declaration of withdrawal from studies was delivered to the higher education institution or faculty at which the student is enrolled. The date of termination under paragraph 1(b) shall be the day determined by the study and examination regulations. The date of termination under paragraph 1(d) shall be the day on which the higher education institution announced the cancellation of the degree programme or the date on which the granted accreditation expired. The date of termination under paragraph 1(e) shall be the last day of the three-year period referred to in the first sentence of Section 81b(3). The date of termination under paragraph 1(f) shall be the day on which the authorisation to implement the degree programme under institutional accreditation expired. The date of termination under paragraph 1(g) shall be the effective date of the decision under Sections 47c to 47e, Section 47f, or Section 47g on the invalidity of the state examination prescribed at the conclusion of the degree programme or part thereof. The date of termination under paragraph 1(h) shall be the day on which the decision on expulsion from studies became final.

(3) Decisions on termination of studies under paragraph 1(h) or interruption of studies under Section 54 shall be made by the bodies referred to in Section 50(2); the provisions of Section 50(5) shall apply by analogy, with the only party to the proceedings being the person whose studies are concerned.

## Section 57

### **Documents Concerning Studies**

(1) The documents related to studies in a degree programme and to the completion of studies in a degree programme are:

- a) student card,
- b) record of studies,
- c) higher education diploma,
- d) certificate of examinations passed,
- e) certificate of study,
- f) diploma supplement.

(2) The student card is a document issued by the higher education institution, which the student receives upon enrolment; the document confirms the student's legal status, entitling them to exercise the rights and benefits arising from legal regulations or the internal regulations of the higher education institution.

(3) The record of studies is a document into which study subjects and the results of academic performance monitoring are recorded. These data may also be maintained in the electronic information system of the higher education institution or faculty. In such cases, the institution or faculty must protect the data in the electronic system against unauthorised access. A printout of such data, officially certified by the institution or faculty, shall be considered a record of studies.

(4) The higher education diploma is a document certifying completion of a degree programme.

(5) A certificate of examinations passed or a certificate of study shall be issued by the higher education institution upon request by the person concerned; the request may also be submitted via the institution's electronic information system. If the applicant so requests in the application, the certificate of examinations or certificate of study shall be delivered through the institution's electronic information system, with the document sealed using a qualified electronic seal.

(6) The diploma supplement shall be issued to graduates of a degree programme.

(7) The higher education diploma and diploma supplement are public documents bearing the state emblem of the Czech Republic<sup>16</sup>), together with the name of the relevant higher education institution and the academic degree awarded; they are usually issued during an academic ceremony.

(8) The documents referred to in paragraph 1 and decisions and certificates issued under Sections 50 to 69, Sections 89 to 91, and Section 99 may include the personal identification number of the individual concerned, if one has been assigned.

#### Section 57a

(1) A higher education institution that has issued a higher education diploma or diploma supplement to a graduate shall, upon the graduate's request, prepare a duplicate of the original document, or a copy or duplicate of the duplicate.

(2) If the graduate demonstrates to the relevant higher education institution or faculty that a new personal identification number has been assigned to them under the Population Registration Act or that they have been granted a change of name or names or surname under the Civil Registry Act, the institution shall, upon request, issue a new document referred to in Section 57(1)(a) and (c) to (f), or under the final sentence of Section 57(3), showing the name(s), surname, and, if applicable, the personal identification number valid on the date of issue of the new document. The procedure under the first sentence shall apply by analogy to a name or surname change granted abroad.

(3) The higher education institution may charge a fee for issuing a document under paragraph 1 or for issuing a new higher education diploma or diploma supplement under paragraph 2, up to CZK 4,000 per document in the case under paragraph 1, and up to CZK 1,000 per document in the case under paragraph 2. No fee shall be charged for issuing a new diploma or diploma supplement under paragraph 2 if the applicant proves the assignment of a new personal identification number or a name change under the Civil Registry Act granted or carried out in connection with the commencement or completion of gender reassignment

treatment. The fee constitutes income of the higher education institution.

## **Fees Related to Studies**

### **Section 58**

(1) A public higher education institution may set a fee for acts related to the admission procedure, which shall not exceed 20% of the base amount; if the applicant fails to pay the fee within the prescribed period, it shall be deemed that the application for admission has been withdrawn.

(2) The base amount for determining fees related to studies is 5% of the average amount allocated per student from the total non-investment expenditure provided by the Ministry from the state budget to public higher education institutions in a calendar year. The Ministry shall announce the base amount by the end of January of the calendar year; the base amount shall apply for the academic year beginning in that calendar year. The calculation of the base amount shall be based on data from the previous calendar year.

(3) If a student studies in a degree programme at a public higher education institution for longer than the standard length of study increased by one year in a bachelor's or master's degree programme, the public higher education institution shall set a study fee, which shall amount to at least one and a half times the base amount for every additional six-month period of study. The total length of study shall also include all previous studies in bachelor's and master's degree programmes at public higher education institutions that were terminated other than properly pursuant to Section 45(3) or Section 46(3), unless the previous study was followed by proper completion of a degree programme of the same type at a public, state, or private higher education institution. Periods during which the student studied in such degree programmes, or in such degree programmes and the current degree programme simultaneously, shall be counted only once. However, the recognised period of parenthood shall first be deducted from the total length of study calculated under this paragraph. For the purposes of this paragraph, a master's degree programme that does not follow on from a bachelor's degree programme and a bachelor's degree programme shall be considered degree programmes of the same type.

(4) If a public higher education institution implements a degree programme in a foreign language, it may set a fee for acts related to the admission procedure, set a study fee for a bachelor's or master's degree programme, and may set a study fee for a doctoral degree programme. The study fee for a bachelor's or master's degree programme does not need to be set:

a) in the case of studies conducted as part of:

1. the implementation of an international treaty binding on the Czech Republic, or an act issued pursuant to such a treaty,
2. the implementation of a European Union programme or another international programme or project, or
3. cooperation between the public higher education institution and a foreign institution,

b) in the case of studies of a student supported through a scholarship as part of:

1. development cooperation government scholarship programmes for studying at higher education institutions in the Czech Republic, approved by the Government based on the Act on

Development Cooperation, or

2. programmes announced by the Ministry under Section 91b.

The provisions of paragraphs 1 to 3 shall not apply to the determination of these fees, except for the part of paragraph 1 following the semicolon.

(5) The public higher education institution shall determine and publish the amount of study-related fees for the following academic year in the public section of its website no later than on the last day of the deadline for submitting applications for admission; if the public higher education institution sets and publishes the fees later, applicants admitted for studies commencing in the following academic year shall not be charged a higher fee than the amount that applied for the academic year in which the application was submitted. The rules for determining the amount, payment method, and due date of the fees shall be laid down in the statutes of the public higher education institution.

(6) The study fee under paragraph 3 shall constitute income of the scholarship fund of the public higher education institution.

(7) The decision on the assessment of the study-related fee under paragraph 3 shall be issued at least 90 days before the fee is due. The rector may, when deciding on an appeal against the decision on the assessment of the fee, reduce the assessed fee, waive it, or defer the due date, particularly taking into account the student's academic performance and social circumstances in accordance with the principles set out in the statutes of the public higher education institution.

(8) The general regulations on fees shall not apply to the study-related fees set under paragraphs 1 to 4.

## Section 59

### **Fees Related to Studies at a Private Higher Education Institution**

(1) The types of fees related to studies at a private higher education institution, the rules for determining their amount, the method of payment, and the due dates shall be set by the private higher education institution in its Rules on Fees Related to Studies. The amount of the study-related fees shall be published by the private higher education institution in the public section of its website.

(2) The internal regulation referred to in paragraph 1 may set rules for the reduction or waiver of fees related to studies at the private higher education institution.

(3) The provisions of Section 58(8) shall apply by analogy.

## Section 60

### **Lifelong Learning**

(1) As part of its educational activities, a higher education institution may provide lifelong learning programmes free of charge or for a fee. These may be aimed at professional practice, pursued as a leisure activity, or aimed at enhancing the professional expertise of

students or graduates of foreign or domestic higher education institutions. Further conditions for lifelong learning shall be laid down in an internal regulation. Participants in lifelong learning must be informed of the conditions in advance.

(2) Upon completion of a lifelong learning programme, the higher education institution shall issue participants with a certificate. In the case of a lifelong learning programme aimed at enhancing the professional expertise of students or graduates of foreign or domestic higher education institutions, the higher education institution may also award an internationally recognised title. Successful participants of lifelong learning within accredited degree programmes or within a field of study for which the higher education institution holds institutional accreditation may, if they subsequently become students under this Act (Sections 48 to 50), have study obligations recognised by the higher education institution up to a maximum of 60% of the number of credits required for proper completion of the programme. The conditions for recognising fulfilment of study obligations from lifelong learning within degree programme studies shall be laid down in an internal regulation of the higher education institution.

(3) Participation in a lifelong learning programme does not confer student status under this Act. The conditions for recognising fulfilment of study obligations from lifelong learning within degree programme studies shall be laid down in an internal regulation of the higher education institution.

## **PART SIX**

### **STUDENTS**

#### **Section 61**

(1) An applicant becomes a student on the day of enrolment in studies; a person whose studies have been interrupted becomes a student again on the day of re-enrolment in studies.

(2) A person ceases to be a student on the day of completion of studies under Section 55(1) and Section 56(1) and (2), or upon interruption of studies under Section 54.

#### **Section 62**

### **Rights of Students**

(1) A student has the right:

- a) to study within one or more degree programmes,
- b) to choose study subjects and create a study plan in accordance with the rules of the degree programme,
- c) to choose the teacher of a given study subject if taught by multiple teachers,

- d) to take examinations under the conditions set by the degree programme or the study and examination regulations,
- e) to enrol in the next part of the degree programme, provided the obligations set by the degree programme or the study and examination regulations have been fulfilled,
- f) to propose the topic of their bachelor's, diploma, rigorous, or doctoral thesis,
- g) to use facilities and information technologies necessary for study in the degree programme, in accordance with the rules set by the higher education institution,
- h) to vote and be elected to the academic senate, if an academic senate has been established,
- i) to a scholarship from the resources of the higher education institution, provided the conditions set out in the scholarship and bursary regulations are met,
- j) to repeatedly reschedule an examination date due to pregnancy or childcare.

(2) A student performing practical training and placements is subject to general regulations on occupational health and safety and working conditions for women.18)

#### Section 62a

### **Student Loans**

The Government may, by regulation, establish the purpose and conditions for granting consumer credit in the public interest to students, where it concerns consumer credit other than for housing, granted interest-free or with an interest rate lower than the usual market rate.

#### Section 63

### **Obligations of Students**

(1) A student's study obligations arise from the degree programme and the study and examination regulations.

(2) A student is obliged to act honestly and honourably during studies and to comply with the internal regulations of the higher education institution and its components.

(3) A student is also obliged to:

- a) pay study-related fees and provide the information relevant to determining their amount,
- b) notify the higher education institution or faculty where enrolled of their address for service of documents or their data mailbox address,
- c) notify the higher education institution of any loss of medical fitness for study, if such fitness was a condition for admission under Section 49(1),
- d) appear, upon request, before the rector, dean, or an authorised employee of the higher

education institution to discuss matters related to the course or completion of studies.

(4) Failure to fulfil the obligation referred to in paragraph 3 through the student's fault gives rise to an obligation to compensate the higher education institution for any resulting costs.

### **Disciplinary Infraction**

#### Section 64

A disciplinary infraction is a culpable breach of obligations set out by legal regulations or internal regulations of the higher education institution and its components.

#### Section 65

(1) For a disciplinary infraction, one of the following sanctions may be imposed:

- a) reprimand,
- b) conditional expulsion from studies with a set time period and conditions for remediation,
- c) expulsion from studies.

(2) The imposition of a sanction may be waived if the mere discussion of the disciplinary infraction leads to correction.

(3) When imposing sanctions, consideration shall be given to the nature of the conduct constituting the infraction, the circumstances under which it occurred, the consequences caused, the degree of culpability, the student's prior behaviour, and any efforts to rectify the consequences. Expulsion from studies may only be imposed for an intentional disciplinary infraction.

#### Section 66

A disciplinary infraction cannot be dealt with if more than one year has passed since it was committed or since the final conviction in a criminal matter. The one-year period is suspended by the notification of initiation of disciplinary proceedings; upon suspension, a new one-year period begins. The time during which the person is not a student, and the time during which the matter was under judicial review in administrative proceedings, shall not be included in the period.

#### Section 67

### **Special Provision on Expulsion from Studies**

A student who was admitted to studies as a result of fraudulent practices shall be expelled from studies.

### **Decision-Making on the Rights and Obligations of Students**

#### Section 68

(1) A higher education institution shall decide on a student's rights and obligations in matters concerning:

- a) authorisation of an extraordinary resit date for an examination, if permitted by the study and examination regulations,
- b) authorisation to repeat a part of the study as defined in Section 52(1), if permitted by the study and examination regulations,
- c) interruption of studies,
- d) recognition of examinations or other academic obligations and the imposition of differential examinations, including recognition of examinations passed within a degree programme provided by a higher education institution or faculty, and recognition of examinations, other academic obligations, subjects, or other completed components of study undertaken within an accredited educational programme at a tertiary vocational school,
- e) scholarships,
- f) fees related to studies under Section 58(3) and (4),
- g) failure to meet requirements under Section 56(1)(b),
- h) disciplinary infractions,
- i) expulsion from studies under Section 67,
- j) authorisation of a transfer between degree programmes under Section 54b.

(2) The only party to proceedings concerning student rights and obligations under this Act is the student. In matters under paragraph 1(a) to (f) and (j), the higher education institution is not obliged to inform the student of the opportunity to comment on the documents prior to issuing a decision, and the student's right to access the file arises only after the decision is announced.

(3) The issuing of a decision is the first act of the higher education institution in proceedings under paragraph 1(c) and (e), if initiated ex officio in accordance with the internal regulations of the institution or faculty, and in matters under paragraph 1(f). The first act in matters under paragraph 1(g) is the invitation to comment on the documents, which may be delivered via the institution's electronic information system.

(4) Appeals against such decisions shall be decided by the rector. The rector shall review the compliance of the contested decision and the preceding proceedings with legal regulations and the internal regulations of the institution and faculty. The suspensive effect of an appeal may not be excluded.

(5) Following the rector's decision, the bodies of the public higher education institution or its constituent part shall, where necessary, take such measures as to restore the student's rights and remedy or at least mitigate the consequences caused by the flawed decision.

## Section 69

(1) Disciplinary proceedings shall be initiated by the disciplinary committee of the public higher education institution at the rector's proposal if it concerns a student not enrolled at any of its faculties, or by the disciplinary committee of the faculty at the dean's proposal if it concerns a student enrolled at the faculty. The proposal shall include a description of the act, the proposed evidence on which it is based, and the justification for why the act is considered a disciplinary infraction. Disciplinary proceedings commence when the student is informed of the proposal. A hearing on the disciplinary infraction shall be held in the student's presence. If the student fails to attend without an excuse despite being duly summoned, the hearing may take place in their absence. The rector or dean may not impose a more severe sanction than that proposed by the disciplinary committee.

(2) If it becomes apparent that the act does not constitute a disciplinary infraction, if it cannot be proven that the student committed the infraction, or if the person is no longer a student, the disciplinary proceedings shall be terminated.

(3) Paragraphs (1) and (2) shall apply by analogy to proceedings on expulsion from studies under Section 67.

## Section 69a

### **Delivery of Documents to Students, Applicants for Study, and Persons with Interrupted Studies**

(1) In proceedings under Sections 50, 54b, and 68, the higher education institution shall deliver documents to participants in the proceedings either directly or through a postal service provider.

(2) If so provided by the internal regulations of the higher education institution, the institution may deliver documents in proceedings under Sections 50, 54b, or 68 via its electronic information system. For proceedings under Section 50, the higher education institution or faculty shall publish information for applicants regarding such a method of delivery along with the details published pursuant to Section 49(5). The internal regulations may also stipulate that such delivery is to be used only for certain types of proceedings or certain procedural acts within the proceedings referred to in Sections 50, 54b, and 68.

(3) If the internal regulations of the higher education institution provide under paragraph 2 that documents are to be delivered via the institution's electronic information system, the institution is not required to deliver such documents to a data mailbox, and paragraph 5 shall not apply.

(4) A document delivered under paragraph 2 shall be considered delivered at the moment when the participant in the proceedings logs into the institution's electronic information system after the document has been made accessible. If the participant does not log in within 10 days of the document being made accessible, the document shall be deemed delivered on the last day of that period.

(5) If delivery in proceedings under Sections 54b or 68 fails due to the student's failure

to provide a delivery address as required under Section 63(3)(b), or if a document in proceedings under Sections 50, 54b, or 68 cannot be delivered to the address provided by the applicant or student, the document shall be delivered by public notice. In such a case, the higher education institution is not obliged to appoint a guardian for the applicant or student. The institution's obligation to deliver to a data mailbox, where applicable, remains unaffected.

#### Section 69b

### **Submissions to the Higher Education Institution**

If provided for in the internal regulations of the higher education institution, an applicant for study, student, or person whose studies have been interrupted may submit documents to the institution only in electronic form via the institution's electronic information system, and such submissions shall be deemed signed. The submission is considered made upon confirmation within the institution's electronic information system. Where the internal regulations provide for such electronic submission by applicants for study, the higher education institution or faculty shall publish information for applicants on the method of submission along with the details published pursuant to Section 49(5).

## **PART SEVEN**

### **ACADEMIC STAFF**

#### Section 70

#### **Academic staff**

(1) Academic staff are those professors, associate professors, extraordinary professors, assistant professors, assistants, lecturers, and scientific, research and development staff who are employees of a public or private higher education institution or employees of the Czech Republic assigned to perform work at a state higher education institution and who, under an employment relationship according to the agreed type of work, carry out both teaching and creative activities. Academic staff are obliged to uphold the good reputation of the higher education institution.

(2) If a higher education institution establishes a post for an academic staff member classified as an extraordinary professor, it may only be held by a person who has attained a position comparable to that of an associate professor or professor abroad. Such a post may also be held by a person who is a distinguished expert and who has worked in the relevant field of study in practice for at least 10 years. A post for an extraordinary professor may only be established by a higher education institution that has institutional accreditation in the relevant field of study and may only be filled following consultation with the scientific board.

(3) Other experts may also participate in teaching, typically on the basis of agreements on work performed outside an employment relationship.

(4) The internal regulations of the higher education institution shall define the status of visiting professors and professors emeritus.

(5) An academic staff member employed at a higher education institution is obliged to

inform the institution without delay of any other employment relationship, and subsequently of its termination, in which they are engaged at another domestic higher education institution, with a provider of foreign higher education in the territory of the Czech Republic, at a public research institution, or at another research institution entered in the list of research organisations approved for hosting researchers from third countries under other legal regulations, even in cases where this concerns scientific, teaching, journalistic, literary or artistic activity. A similar duty to provide information also applies to an applicant negotiating an employment relationship for an academic staff position with a higher education institution.

#### Section 70a

### **Working hours of academic staff**

(1) Academic staff perform, during working hours:

- a) direct teaching activities,
- b) work related to direct teaching activities,
- c) scientific, research, development and innovation, artistic or other creative activities.

(2) An academic staff member is obliged to be present at the employer's workplace or at another agreed location during the hours scheduled for their direct teaching activities and at times determined by the employer in accordance with the Labour Code.

(3) In the case of work other than that referred to in paragraph 2, the academic staff member shall perform the agreed work during working hours that they schedule themselves and at a location of their own choosing. Expenses incurred exclusively in connection with work performed at a location other than the employer's workplace under the first sentence shall not be considered expenses related to the performance of dependent work and, unless otherwise agreed, shall be borne by the academic staff member.

(4) The employer shall only record that part of the working hours which it schedules.

#### Section 71

### **Appointment of Associate Professors**

An associate professor for a specific field shall be appointed by the rector based on a habilitation procedure.

#### Section 72

### **Habilitation Procedure**

(1) The habilitation procedure is used to verify the scientific or artistic qualifications of the applicant, primarily based on the habilitation thesis and its defence, other scientific, scholarly or artistic works, and the applicant's teaching competence, as evaluated through the habilitation lecture and previous teaching experience.

(2) The habilitation procedure is initiated at the request of the applicant. The application must be accompanied by a curriculum vitae, evidence of higher education attained and any academic degrees conferred, documents proving teaching experience, a list of scientific, scholarly or artistic works, an overview of scientific, scholarly or artistic placements completed both in the Czech Republic and abroad, and, where applicable, other documents proving scientific or artistic qualifications. The applicant must also state the field of study in which habilitation is being sought and submit the habilitation thesis.

(3) A habilitation thesis may be:

- a) a written work that brings new scientific knowledge, or
- b) a set of published scientific or engineering works supplemented by commentary, or
- c) a monograph published in print that brings new scientific knowledge, or
- d) an artistic work or artistic performance or a set thereof, such as outstanding public artistic activity.

(4) The application is submitted to the dean of the faculty accredited in the relevant field of habilitation, or to the Rector, if the higher education institution holds the relevant accreditation. If the application is incomplete and the applicant fails to rectify the deficiencies within a reasonable period after being requested to do so, the dean or the rector shall terminate the habilitation procedure.

(5) If the habilitation procedure is not terminated under paragraph 4, the dean or the rector shall submit the matter to the scientific or artistic board of the faculty or higher education institution together with a proposal for the composition of a five-member habilitation committee. The habilitation committee shall be composed of professors, associate professors, extraordinary professors, and other leading figures in the relevant or related field. The committee chair must be a professor or extraordinary professor, and at least three members must be experts from institutions other than the higher education institution conducting the procedure.

(6) In artistic fields, the competent scientific or artistic board may waive the requirement for higher education for the applicant.

(7) The habilitation committee, in its composition approved by the scientific or artistic board, shall appoint three reviewers of the habilitation thesis. Only one reviewer may be appointed from the higher education institution at which the habilitation procedure is taking place. The bodies of the higher education institution and faculty or university institute, as well as the habilitation committee, shall conduct the procedure without undue delay.

(8) The habilitation committee shall assess the applicant's scientific or artistic qualifications in the relevant field and their prior teaching experience. Based on the reviewers' reports, the committee shall evaluate the quality of the habilitation thesis. The committee shall vote by secret ballot on whether the applicant should be appointed associate professor. If the proposal for appointment does not receive a majority of all committee members' votes, it is considered that the committee recommends terminating the procedure. The proposal shall be presented by the chair or another authorised member of the habilitation committee to the

scientific or artistic board.

(9) The habilitation lecture and defence of the habilitation thesis shall take place at a public session of the scientific or artistic board. After the discussion, during which the applicant must be given the opportunity to respond to the reviewers' reports, defend their thesis and comment on their previous scientific or artistic and teaching activities, the scientific or artistic board shall vote by secret ballot on whether the applicant should be appointed associate professor.

(10) If the proposal for appointment does not receive a majority of all members' votes, it is considered that the scientific or artistic board terminates the habilitation procedure.

(11) The proposal for appointment as associate professor shall be submitted by the scientific or artistic board to the rector. If the rector disagrees with the proposal, they shall return it with justification to the scientific or artistic board of the higher education institution, which shall discuss it and vote by secret ballot on whether the applicant should be appointed associate professor. If the proposal does not receive a majority of all members' votes, the procedure is considered terminated. Otherwise, the rector shall appoint the associate professor.

(12) In the event of the termination of the habilitation procedure, the habilitation thesis and attached documents shall be returned to the applicant.

(13) The habilitation procedure is not subject to the Code of Administrative Procedure; details of the procedure shall be determined by the higher education institution in its internal regulations.

(14) The applicant may lodge an objection against the procedure within 30 days. If the dean does not uphold the objection, it shall be forwarded to the rector for a decision; the rector's decision is final. The decision of the rector or dean must be justified.

(15) If so provided by the internal regulations of the higher education institution, the habilitation procedure may be conducted before the scientific board of a university institute. In such a case, the director shall perform the duties of the dean.

(16) A higher education institution may set a fee for acts related to the habilitation procedure, which may not exceed four times the base amount determined under Section 58(2); the amount of the fee must be published on the public section of the institution's website. The fee constitutes income of the higher education institution.

## Section 73

### **Appointment of Professors**

(1) A professor for a specific field shall be appointed by the President of the Republic, based on a proposal for appointment submitted by the scientific or artistic board of a higher education institution in accordance with Section 74.

(2) The proposal of the scientific or artistic board of a higher education institution for appointment as professor shall be submitted to the President of the Republic through the Minister.

(3) The Minister shall return the proposal for appointment as professor to the scientific or artistic board of the higher education institution if the procedure for the appointment process set out in Section 74 has not been followed; the return of the proposal must be justified.

(4) The Code of Administrative Procedure does not apply to the appointment of professors.

(5) Appointments of professors shall take place at least twice per calendar year.

#### Section 74

### **Procedure for the Appointment of Professors**

(1) The procedure for the appointment of professors serves to demonstrate the teaching and scientific or artistic qualifications of the applicant, who must be a distinguished and recognised scientific or artistic personality in their field. A prerequisite for initiating the procedure is prior appointment as associate professor through a habilitation procedure, provided that it involved submission of a habilitation thesis. In exceptional cases, where a person who is already a professor at a renowned foreign higher education institution is proposed for appointment, the rector may, on the proposal of the scientific or artistic board of the higher education institution, waive the requirement of prior appointment as associate professor.

(2) The procedure for the appointment of professors is initiated on the basis of an application by the applicant supported by at least two written recommendations from professors or extraordinary professors in the same or a related field, or on the proposal of the dean or rector submitted to the scientific board of the faculty accredited in the relevant field of appointment, or to the scientific or artistic board of the higher education institution if the institution holds the relevant accreditation. The procedure may also be initiated by the scientific board of the faculty or the scientific or artistic board of the higher education institution on its own initiative. The application must include the documents listed in the second sentence of Section 72(2); the field in which the procedure is initiated must also be specified.

(3) To evaluate the proposal, the competent scientific or artistic board shall, upon the proposal of the dean or rector, approve a five-member committee composed of professors, associate professors, extraordinary professors and other distinguished figures in the relevant or related field. The chair of the committee must be a professor or extraordinary professor, and at least three members must be experts from institutions other than the one where the procedure is being conducted.

(4) In artistic fields, the competent scientific or artistic board may waive the requirement for higher education for the applicant.

(5) The committee shall assess the applicant's qualifications and shall vote by secret ballot on whether the applicant should be appointed professor. If the proposal does not receive a majority of all members' votes, it is considered that the committee recommends terminating the appointment procedure. The proposal shall be presented by the chair or another authorised member of the committee to the scientific or artistic board that approved the committee. This scientific or artistic board shall invite the applicant to deliver a lecture at its public session, presenting their concept of scientific or artistic work and teaching in the given field.

(6) After the lecture, the scientific or artistic board shall vote by secret ballot on whether the applicant should be appointed professor. If it is the scientific or artistic board of the higher education institution, the approved proposal is submitted to the Minister. If it is the scientific board of the faculty, the proposal is submitted to the scientific or artistic board of the higher education institution, which then votes by secret ballot on submitting the proposal to the Minister. Section 72(10) shall apply by analogy in both cases.

(7) The Code of Administrative Procedure does not apply to the procedure for the appointment of professors; the detailed procedure shall be determined by the higher education institution in its internal regulations. The bodies of the higher education institution and the faculty, or the university institute, and the committee involved in the procedure shall act without undue delay.

(8) The applicant may lodge objections to the procedure for the appointment of professors at the faculty or higher education institution within 30 days; the decision on such objections shall be made by the rector and is final.

(9) If so provided by the internal regulations of the higher education institution, the procedure may be initiated before the scientific board of a university institute, which performs the functions of a faculty scientific board. In such a case, the duties of the dean shall be performed by the director of the university institute.

(10) A higher education institution may set a fee for acts associated with the procedure for the appointment of professors, which may not exceed six times the base amount determined under Section 58(2); the amount of the fee must be published on the public section of the institution's website. The fee constitutes income of the higher education institution.

#### Section 74a

### **Procedure at a Public Higher Education Institution for Declaring the Appointment as Associate Professor Invalid**

(1) The decision on declaring the appointment as associate professor invalid is made in proceedings conducted by the rector of the public higher education institution where the habilitation procedure took place.

(2) The rector shall declare the appointment as associate professor invalid by decision if it is proven in the proceedings that the person whose teaching and scientific or artistic qualifications were assessed in the habilitation procedure and who was appointed associate professor based on that procedure demonstrated their qualifications:

a) as a result of an intentional criminal offence, or

b) as a result of the intentional unauthorised use of another person's work in gross violation of legal regulations governing intellectual property protection<sup>32</sup>), or other intentional conduct contrary to good morals not covered under letter a).

(3) Proceedings to declare invalidity shall be initiated ex officio; they may be initiated by the rector:

a) no later than 3 years from the date on which the judgment convicting the person of an intentional criminal offence became final, in the case referred to in paragraph 2(a), or

b) no later than 5 years from the conclusion of the habilitation procedure, in the case referred to in paragraph 2(b).

(4) If the rector does not find grounds to declare the appointment as associate professor invalid, the proceedings shall be discontinued by resolution.

(5) The supporting documents for the rector's decision under paragraph 1 shall include the opinion of a five-member appeals committee. The members of the appeals committee shall be appointed by the rector from among professors, associate professors, extraordinary professors, or other experts, with one member appointed on the proposal of the Minister from among civil servants at the Ministry. The majority of the members must be experts who are not employees of the public higher education institution conducting the proceedings.

(6) Details on the composition of the appeals committee shall be set out in the internal regulations of the public higher education institution.

(7) The appeals committee shall decide by an absolute majority of all its members; the vote on the opinion regarding the invalidity of the appointment as associate professor shall be taken by secret ballot.

#### Section 74b

(1) The time limit for issuing a decision in the proceedings to declare the appointment invalid shall be 1 year from the date of initiation.

(2) If, when issuing the decision declaring the appointment as associate professor invalid, or a resolution discontinuing the proceedings, the rector deviates from the opinion of the appeals committee, they must provide justification for this in the decision or resolution.

(3) No appeal may be lodged against the rector's decision declaring the appointment as associate professor invalid. The decision shall take effect on the first day following the expiry of 2 months from the date of notification of the said decision; the timely filing of an action in administrative court proceedings<sup>33)</sup> shall have suspensive effect.

(4) The only participant in the proceedings to declare the appointment invalid is the person whose appointment as associate professor is in question.

#### Section 74c

(1) If the rector declares the appointment as associate professor invalid by decision, the person concerned shall cease to be an associate professor on the date the rector's final decision declaring the appointment invalid becomes effective. The person may be appointed associate professor again only on the basis of a new habilitation procedure.

(2) If a person ceases to be an associate professor pursuant to paragraph 1, this shall not affect the validity of their previous acts, procedures or decisions, including those made while

exercising public authority or within a regulated profession or activity requiring the qualifications of an associate professor. Nor shall it affect any previous appointment of the person as professor.

#### Section 74d

### **Procedure at a Private Higher Education Institution for Declaring the Appointment As Associate Professor Invalid**

The provisions of Sections 74a to 74c shall apply by analogy to procedures for declaring the appointment as associate professor invalid conducted at a private higher education institution, with the competence of the bodies of the private higher education institution determined by its internal regulations. The consequences of decisions issued in such procedures, as specified in Section 74c(1) and (2), shall also apply to decisions issued in procedures conducted at a private higher education institution.

#### Section 74e

### **Procedure at a State Higher Education Institution for Declaring the Appointment As Associate Professor Invalid**

The provisions of Sections 74a to 74c shall apply by analogy to procedures for declaring the appointment as associate professor invalid conducted at a state higher education institution. The consequences of decisions issued in such procedures, as specified in Section 74c(1) and (2), shall also apply to decisions issued in procedures conducted at a state higher education institution.

#### Section 75

### **Publication of Information on Habilitation Procedures and Procedures for the Appointment of Professors**

(1) The higher education institution or its unit shall promptly publish on the public section of its website information on the initiation of habilitation procedures and procedures for the appointment of professors, as well as the dates of the relevant public sessions of the scientific or artistic boards; it shall also promptly publish information on the conclusion of these procedures.

(2) In the case of a habilitation procedure, the higher education institution shall notify the Ministry without delay after the procedure is discontinued or the applicant is appointed associate professor; in the case of a procedure for the appointment of a professor, notification shall be made without delay after the procedure is discontinued or after the scientific or artistic board of the higher education institution approves the proposal to appoint the applicant as professor. The notification shall include the applicant's first name, surname, year of birth, gender, details of the applicant's employment or service relationship, the result, and the date of conclusion of the procedure.

(3) The Ministry shall ensure the publication of information on the results of habilitation procedures and procedures for the appointment of professors in an appropriate manner.

(4) Section 47b shall apply by analogy to the accessibility of the habilitation thesis, unless the thesis has already been made accessible by other means.

#### Section 76

### **Creative Leave**

(1) Upon request, academic staff of a higher education institution shall be granted creative leave for a period of six months once every seven years, unless serious circumstances concerning the fulfilment of the educational tasks of the higher education institution prevent it.

(2) During creative leave, academic staff shall be entitled to their salary.

#### Section 77

### **Selection Procedure at a Public Higher Education Institution**

(1) Academic staff positions at public higher education institutions shall be filled through a selection procedure. The selection procedure may be waived when renewing an employment relationship with an academic staff member for the same position, or in cases specified by the internal regulations of the public higher education institution.

(2) The announcement of the selection procedure must be published on the public section of the website of the higher education institution or its unit at least 30 days before the application deadline.

(3) The internal regulations of the public higher education institution shall determine the details of the selection procedure for academic staff positions.

(4) The conclusion of a habilitation procedure or a procedure for the appointment of a professor, and the appointment as associate professor or professor based on such procedures, shall not give rise to employment-related entitlements in relation to the higher education institution where the procedure was conducted, or to the higher education institution with which the academic staff member has a labour-law relationship.

## **PART EIGHT**

### **EVALUATION OF HIGHER EDUCATION INSTITUTIONS**

#### Section 77a

### **Methods of Evaluation of a Higher Education Institution**

(1) A higher education institution shall ensure the quality of its educational, creative, and related activities.

(2) The educational, creative, and related activities of a higher education institution are subject to regular evaluation.

(3) Evaluation of the educational, creative, and related activities of a higher education

institution is conducted as internal evaluation and external evaluation.

(4) External evaluation of a higher education institution is carried out by the Accreditation Authority in the cases specified in Section 84. A higher education institution may also arrange for external evaluation at its own expense by a generally recognised evaluation agency.

#### Section 77b

### **Quality Assurance of Educational, Creative, and Related Activities and Internal Evaluation of the Quality of Educational, Creative, and Related Activities of a Higher Education Institution**

(1) A higher education institution shall establish and maintain a system for quality assurance of its educational, creative, and related activities and internal evaluation of the quality of its educational, creative, and related activities.

(2) Quality assurance of the educational, creative, and related activities of a higher education institution includes the implementation of the institution's intentions and procedures in quality assurance, based on:

- a) the definition of the mission and strategy of the higher education institution,
- b) the definition of responsibilities of senior staff and members of the bodies of the higher education institution and its constituent parts in relation to the quality of educational, creative, and related activities,
- c) the organisation of the higher education institution, determination of the scope, powers, and responsibilities of its bodies, senior staff, and members of the bodies of the higher education institution and its constituent parts,
- d) financial, personnel, and information resources for the conduct of educational and related creative activities,
- e) cooperation and interconnections of the higher education institution with other higher education institutions, public research institutions and other legal entities engaged in research, experimental development, or innovation, employers of graduates, businesses operating in the industrial and commercial sectors, business associations, and other persons or bodies carrying out, supporting, or making use of the educational or creative activities of higher education institutions or their results,
- f) standards and procedures for internal evaluation of the quality of educational, creative, and related activities of the higher education institution,
- g) corrective and preventive measures and actions taken to improve quality,
- h) internal documents and records relating to the quality assurance of educational, creative, and related activities of the higher education institution.

(3) Internal evaluation of the quality of educational, creative, and related activities of a

higher education institution consists of:

- a) the application of standards and procedures for internal evaluation of the quality of educational, creative, and related activities of the higher education institution,
- b) the preparation of a report on the internal evaluation of the quality of educational, creative, and related activities of the higher education institution, which describes the qualitative outcomes achieved by the institution in the field of education and creative activity, and the measures taken to remedy any deficiencies identified; the report is prepared in accordance with the deadlines set by the internal regulations of the higher education institution, but at least once every 5 years, and is updated annually with an addendum describing changes achieved in quality and in management measures,
- c) making the report on internal evaluation of the quality of educational, creative, and related activities of the higher education institution and its addenda accessible to the bodies and members of the bodies of the higher education institution and its constituent parts, the Accreditation Authority, and the Ministry.

#### Section 77c

### **Processing of Data on Artistic Outcomes**

(1) A higher education institution that delivers a degree programme or programmes in the field of study “Arts”, a degree programme or programmes that include subjects in artistic creation, or at which an artistic board of a public higher education institution or faculty operates (hereinafter referred to as an “art school”), shall maintain institutional records of artistic outcomes, primarily for the purposes of evaluation, comparison, and dissemination of information on artistic outcomes.

(2) An artistic outcome recorded under this Act shall mean a published artistic authored work or artistic performance by a member of the academic community of the art school, created as part of the fulfilment of study or employment duties to the given art school or in connection therewith.

(3) The Ministry shall maintain a register of artistic outcomes, in which data submitted by art schools from their institutional records of artistic outcomes are recorded. The register of artistic outcomes is an information system of public administration.

(4) The following data on artistic outcomes shall be recorded in the institutional records and the register of artistic outcomes:

- a) first name and surname, as well as any other names and birth surname of the author or performing artist (hereinafter referred to as the “creator of the outcome”),
- b) birth number of the creator of the outcome or, in the case of a foreign national, their date of birth, gender, and nationality,
- c) information on the creator's membership in the academic community of the art school,
- d) any academic degrees, scientific qualifications, and academic or artistic-pedagogical titles of

the creator of the outcome,

e) information on the form of the outcome and the date of its publication or performance.

(5) The art school shall be obliged to submit to the Ministry the data from the institutional records of artistic outcomes pursuant to paragraph 4 for entry into the register of artistic outcomes. The art school shall also be authorised to collect, process, and store data on artistic outcomes created by members of its academic community and to make them accessible to:

a) the Accreditation Authority and its bodies,

b) persons and authorities who demonstrate entitlement pursuant to a special act.

(6) Access to the institutional records and the register of artistic outcomes shall also be permitted to individuals whose personal data are recorded in these information systems, to the extent of the data concerning that individual, including records of access to their personal data.

## **PART NINE**

### **ACCREDITATION**

#### **Section 78**

##### **Accreditation**

(1) The entitlement of a higher education institution to deliver degree programmes under the conditions laid down by this Act arises either from institutional accreditation or from the accreditation of a degree programme.

(2) Institutional accreditation grants a higher education institution the entitlement to independently create and deliver a specified type or types of degree programmes in a specified field or fields of study. A higher education institution is entitled, based on institutional accreditation, to deliver a degree programme falling within multiple fields of study if it holds institutional accreditation for all fields of study to which the degree programme pertains.

(3) Institutional accreditation is granted to a higher education institution that meets the standards under Section 78a(2)(a) for the given field of study and type of degree programme and that has a functioning internal quality assurance system for its educational, creative, and related activities and internal evaluation of the quality of its educational, creative, and related activities.

(4) If the entitlement to deliver a specific type and, where applicable, profile of a degree programme does not arise from the institutional accreditation of the higher education institution, the institution may obtain this entitlement through the accreditation of the specific degree programme.

(5) Accreditation of a degree programme is granted to a higher education institution that

meets the standards for accreditation under Section 78a(2)(b) for the given type and profile of the degree programme.

(6) In the case of a degree programme which, upon completion, directly fulfils the professional requirements for practising a regulated profession, a condition for the granting of accreditation is a statement from the relevant recognition authority<sup>19a)</sup> that graduates of the given degree programme will be suitably prepared to perform the profession. In the case of accreditation of degree programmes aimed at preparing professionals in the field of national security of the Czech Republic, a condition for accreditation is a favourable opinion from the Ministry of Defence and the Ministry of the Interior. The authorities referred to in the first and second sentences shall issue their statements within 90 days from the date on which the request for the statement was delivered to them.

(7) In the case of a degree programme which, upon completion, directly fulfils the professional requirements for practising a regulated profession, a condition for its delivery based on an entitlement arising from institutional accreditation for the relevant field of study is authorisation from the relevant recognition authority<sup>19a)</sup>. Authorisation shall not be granted if the recognition authority determines that graduates of the given degree programme would not be suitably prepared to perform the profession. In the case of degree programmes aimed at preparing professionals in the field of national security of the Czech Republic, a condition for authorisation is a favourable opinion from the Ministry of Defence and the Ministry of the Interior. The authorities referred to in the first and third sentences shall issue their authorisation within 90 days from the date on which the request for authorisation was delivered to them.

(8) If practical training within a degree programme can only be conducted at a facility accredited under a specific legal regulation<sup>19b)</sup>, a further condition for the granting of accreditation of such a degree programme – or for its delivery based on an entitlement arising from institutional accreditation for the relevant field of study – is accreditation of the facility for the purpose of practical training, granted under that specific legal regulation, in addition to the favourable opinion or authorisation referred to in paragraphs 6 or 7.

(9) If a degree programme is not accredited or not delivered within a field of study for which the higher education institution holds institutional accreditation, applicants may not be admitted to study, teaching or examinations may not take place, and academic degrees may not be conferred.

(10) Within the accreditation of a master's degree programme, a decision is also made on the entitlement to confer academic degrees under Section 46(5); in the case of institutional accreditation, such entitlement arises from the institutional accreditation for the relevant field of study. The entitlement to hold the state advanced examination and confer academic degrees under Section 46(5) may be exercised only if the higher education institution is entitled to deliver at least one doctoral degree programme in the relevant field of study.

(11) In proceedings related to accreditation and corrective measures, with prior consent or upon the proposal of all participants in the proceedings, communication and submission and preparation of documents may be conducted in a foreign language or in multiple languages, including without interpretation and translation, if the Accreditation Authority Board so decides. The first sentence may apply to only certain documents or steps in the proceedings, including any site visit by the evaluation panel of the Accreditation Authority and the outputs from such a visit. However, the decision of the Accreditation Authority on the merits of the case

and its resolution to terminate proceedings must always be prepared in the Czech language. If the document under the third sentence is prepared in multiple languages, the Czech version shall be binding in case of discrepancies; for other multilingual documents, the Accreditation Authority Board shall determine the binding version.

(12) The first and second sentences of paragraph 11 shall apply by analogy to the procedure for issuing opinions by the Accreditation Authority under Section 83(2)(f), with the proviso that the opinion of the Accreditation Authority must always be prepared in the Czech language. If the opinion is prepared in multiple languages, the Czech version shall be binding in case of discrepancies; for other multilingual documents, the Accreditation Authority Board shall determine the binding version.

## Section 78a

### **Standards of Accreditation**

(1) In its activities under this Act, the Accreditation Authority shall, within the scope of its administrative discretion, rely on standards for accreditation, which are understood to mean a set of requirements relating to a higher education institution, determined with regard to the type of procedure, the purpose of evaluation, or the types and profiles of degree programmes.

(2) The standards of accreditation shall include:

a) in the case of institutional accreditation

1. a set of requirements concerning the institutional environment of the higher education institution, in particular its strategy and governance, its degree programmes and their students, creative activity (especially research), international cooperation, cooperation with professional practice, academic staff, resources, and the system of quality assurance of educational, creative, and related activities and internal evaluation of the quality of educational, creative, and related activities of the higher education institution,
2. a set of requirements for a degree programme within a field of study, in particular regarding the content orientation of the degree programme, the graduate's profile, the professional knowledge and skills of graduates in relation to the relevant field of study, the staffing, financial, material, and other support of the degree programme, including requirements related to ensuring equal access to higher education for applicants and students with disabilities, and the scope of international cooperation and cooperation with professional practice,

b) in the case of accreditation of a degree programme

1. a set of minimum requirements for the degree programme, in particular regarding the content orientation of the degree programme, the graduate's profile, the professional knowledge and skills of graduates in relation to the relevant field of study, the staffing, financial, material, and other support of the degree programme, including requirements related to ensuring equal access to higher education for applicants and students with disabilities, and the scope of international cooperation and cooperation with professional practice,
2. requirements for the system of management, provision, and control of all activities of the higher education institution, particularly educational activities and related creative activities, with regard to ensuring that the learning environment supports the mission of the higher education institution,
3. requirements for the assurance of quality in educational, creative, and related activities and the evaluation of the quality of educational, creative, and related activities of the higher

education institution,

c) in the case of accreditation of a habilitation procedure and accreditation of a procedure for the appointment of professors, a set of requirements necessary to demonstrate the higher education institution's capacity to conduct the relevant procedure under Section 72 or 74, and a set of requirements concerning the scope and quality of the related educational and creative activities, the extent of international cooperation, and the extent of cooperation with professional practice.

## **Accreditation of a Degree Programme**

### Section 79

(1) Accreditation of a degree programme shall be granted by the Accreditation Authority on the basis of a written application submitted by a higher education institution.

(2) The written application by a higher education institution for accreditation of a degree programme shall include:

- a) the name of the higher education institution, or its faculty, that will deliver the degree programme,
- b) the components of the degree programme as defined in Section 44(2),
- c) documentation on the staffing, financial, material, and other support of the degree programme for at least the standard length of studies, including data reflecting the need to ensure equal access to higher education,
- d) the development plan for the degree programme, its justification, the expected number of applicants to be admitted, and information on the anticipated employability of graduates on the labour market,
- e) a self-assessment report describing and evaluating compliance with the individual requirements arising from the relevant standards for accreditation under Section 78a(2)(b),
- f) in the case of a degree programme which, upon completion, directly fulfils the professional requirements for practising a regulated profession, a statement that the degree programme is intended to prepare graduates for such a profession and a favourable opinion from the relevant recognition authority<sup>19a)</sup> that graduates will be suitably prepared for the profession,
- g) in the case of a degree programme aimed at preparing professionals in the field of national security of the Czech Republic, a statement that the degree programme is so oriented and a favourable opinion from the Ministry of Defence and the Ministry of the Interior that graduates will be suitably prepared for work in this field.

(3) The Accreditation Authority shall decide on the application for accreditation within 120 days. In doing so, it shall assess compliance with the accreditation standards and take into account the functioning of the quality assurance system for educational, creative, and related activities and internal evaluation of the quality of educational, creative, and related activities of the higher education institution, and, where applicable, evaluations by an assessment agency

under Section 77a(4). The assessment may include verification of conditions at the location where the degree programme is to be delivered. If the higher education institution does not permit such verification, the Accreditation Authority shall reject the application.

(4) The Accreditation Authority shall not grant accreditation of a degree programme if:

- a) the degree programme does not meet the requirements set out in Part Four of this Act,
- b) the degree programme does not meet the accreditation standards under Section 78a(2)(b) for the given type and profile,
- c) the degree programme is insufficiently supported, in particular in terms of staffing, finances, or materials, or the higher education institution does not carry out adequate related creative activities,
- d) the higher education institution does not have a functioning system of quality assurance for educational, creative, and related activities and internal evaluation of the quality of educational, creative, and related activities in accordance with Section 77b,
- e) the degree programme has not received a favourable opinion from the relevant recognition authority, in the case of a degree programme referred to in Section 78(6), or
- f) the application contains incorrect information essential for the accreditation of the degree programme and such deficiencies have not been remedied by the date of the decision.

(5) An applicant who has been granted state approval by a final decision which has not yet taken effect may also apply for accreditation of a degree programme. Paragraphs 1 to 4 shall apply by analogy.

(6) In the case of a degree programme that falls within more than one field of study, the fulfilment of the requirements under paragraph 4(c) shall be assessed in relation to all relevant fields of study, in proportion to their respective contribution to the degree programme.

## Section 80

(1) Accreditation of a degree programme shall be granted by the Accreditation Authority for a period of 10 years; accreditation of a degree programme may be granted or extended for a shorter period if:

- a) the accreditation of the given degree programme is being granted to the applicant for the first time,
- b) the accreditation is granted or extended in particular in view of the need to ensure that students can complete their studies, or
- c) the applicant does not provide sufficient guarantees for the proper provision and development of the degree programme over a 10-year period.

(2) The decision must specify the type of degree programme and the standard length of studies, and, in the case of a bachelor's or master's degree programme, also its profile. The

decision must also indicate the field of study to which the programme belongs; in the case of a degree programme belonging to multiple fields of study, the relevant fields and their share in the teaching must be specified in the decision.

(3) The validity of accreditation may be extended repeatedly. The provisions of Section 79 shall apply with the necessary modifications to the procedure for extending the validity of accreditation.

(4) During the implementation of an accredited degree programme, the higher education institution may apply for accreditation of its extension.

(5) Accreditation of a degree programme shall expire upon its withdrawal, upon notification by the higher education institution of the cancellation of the degree programme, or upon the expiry of the period for which accreditation was granted. The higher education institution shall ensure that students are able to continue their studies in the same or a similar degree programme at the same or another higher education institution.

(6) If a higher education institution's application for accreditation of a degree programme has been rejected, it may submit a new application for accreditation of the same or a similar degree programme no sooner than 2 years from the date on which the decision rejecting the application became final.

(7) If accreditation of a degree programme has been withdrawn from a higher education institution, it may submit a new application for accreditation of the same or a similar degree programme no sooner than 2 years from the date on which the decision withdrawing the accreditation became final.

(8) If a higher education institution has been sanctioned with an administrative penalty for an offence under Section 93n(1), it may submit a new application for accreditation of a degree programme no sooner than 5 years from the date on which the decision imposing the administrative penalty became final.

## Section 81

(1) A degree programme may also be jointly applied for, together with a higher education institution, by another higher education institution or a legal entity which has its registered office, central administration, or principal place of business in a Member State of the European Union and which was established or founded under the law of a Member State of the European Union, and which engages in educational and creative activities.

(2) Along with the application for accreditation, the applicant shall submit an agreement with the higher education institution on mutual cooperation in delivering the degree programme. This higher education institution shall admit applicants to the degree programme and confer the appropriate academic degree upon graduates of the degree programme. The higher education diploma shall also indicate the entity with which the degree programme was delivered in cooperation.

(3) Where at least two higher education institutions jointly apply for accreditation, their cooperation agreement for delivering the degree programme may provide for admissions and the awarding of academic degrees to graduates of the degree programme in a manner different

from that provided in paragraph 2. In such a case, the agreement shall also specify which higher education institution admits applicants or part thereof to the degree programme, with the applicant being enrolled in the degree programme at only one of the cooperating institutions. The agreement shall further detail the organisation of studies in the degree programme and the academic rights and obligations of students, including the applicability of study and examination regulations, scholarship regulations, and possibly other internal regulations or rules of these higher education institutions or their parts to students, as well as the substantive competence of these institutions or their parts and their bodies to decide on students' rights and obligations within the given degree programme.

(4) Section 79 shall apply with the necessary modifications to the application for accreditation of a degree programme under paragraphs 1 to 3. Joint delivery of a doctoral degree programme under paragraph 3 shall be possible only if, on the date of the decision on the application for joint accreditation, each cooperating higher education institution is delivering a doctoral degree programme.

(5) In the case of joint delivery of a doctoral degree programme, the agreement shall also stipulate the representation of applicants in the subject-area board. Joint delivery of a doctoral degree programme under paragraph 3 shall be possible only if, on the date of the decision on the application for joint accreditation, each cooperating higher education institution is delivering a doctoral degree programme.

(6) If the cooperating legal entity under paragraph 1 delivering the same joint degree programme is a foreign higher education institution, paragraph 3 shall apply by analogy; Section 47a(3) shall apply by analogy to the academic degree awarded.

## **Institutional Accreditation**

### Section 81a

(1) Institutional accreditation shall be granted to a higher education institution for a field or fields of study, and within them for the relevant type or types of degree programmes, by the Accreditation Authority on the basis of a written application by the higher education institution. If the higher education institution has simultaneously submitted an application for accreditation of a habilitation procedure or a procedure for the appointment of professors, a joint procedure shall be conducted for these applications.

(2) The written application for institutional accreditation shall include:

- a) the name of the higher education institution,
- b) identification of the field or fields of study in which the higher education institution intends to operate on the basis of accreditation, and the type or types of degree programmes,
- c) the report on the internal evaluation of the quality of educational, creative, and related activities of the higher education institution, and any addenda thereto,
- d) a self-assessment report describing and evaluating compliance with the individual requirements arising from the relevant standards for accreditation, including requirements related to the financial, material, and other provision of the activities of the higher education

institution and their development.

(3) The Accreditation Authority shall decide on the application for accreditation within 150 days. In doing so, it shall assess compliance with the accreditation standards set out in Section 78a(2)(a), and take into account the functioning of the quality assurance system for educational, creative, and related activities and internal evaluation of the quality of educational, creative, and related activities of the higher education institution, and, where applicable, evaluation by one of the assessment agencies under Section 77a(4). In the case referred to in the second sentence of paragraph 1, it shall also consider compliance with the accreditation standards referred to in Section 78a(2)(c) and the outcome of the assessment referred to in Section 82(4). The assessment may include verification of conditions at the location where the educational activities in the relevant field or fields of study are to be delivered. If the higher education institution does not permit verification at the site of the educational activities, the Accreditation Authority shall reject the application.

(4) The Accreditation Authority shall not grant institutional accreditation for a field or fields of study if:

- a) the higher education institution does not meet the standards under Section 78a(2)(a) for institutional accreditation in the given field of study and type of degree programme,
- b) the higher education institution has not established an internal evaluation board,
- c) the higher education institution does not have a functioning system for quality assurance and internal evaluation of educational, creative, and related activities, and has not prepared a self-assessment report,
- d) the quality assurance and internal evaluation system does not provide sufficient guarantees that the higher education institution will assess proposed degree programmes in accordance with the requirements set out in Sections 77b to 79,
- e) the higher education institution does not provide sufficient guarantees, for the purposes of its proposed educational activity in the relevant field or fields of study, of the development of creative activity related to the educational activity, or of the necessary staffing, financial, material, and other support and its development,
- f) as of the date of submission of the application, the higher education institution has not delivered at least two degree programmes for a period of at least 10 years, including at least one programme in the proposed field of study; the Accreditation Authority may, in cases worthy of special consideration, also count towards the 10-year period the time during which the same or a similar programme was delivered by another higher education institution or its faculty, provided that the institution applying for accreditation makes substantial use of staffing previously involved in the delivery of the same or similar programme by that other institution or faculty, or
- g) the application contains incorrect data relevant to accreditation for the field of study, and the deficiencies were not remedied by the date of the decision.

(5) If a joint procedure is also conducted for an application for accreditation of a habilitation procedure or a procedure for the appointment of professors, the higher education

institution shall also submit the elements of the application referred to in Section 82(2). The Accreditation Authority shall reject the application for accreditation of the habilitation procedure or the procedure for the appointment of professors for the reasons set out in Section 82(6).

(6) If the higher education institution does not hold institutional accreditation and its application for institutional accreditation for one or more fields of study was rejected, it may submit a new application for institutional accreditation no sooner than 2 years from the date on which the decision rejecting the application became final.

(7) An application for institutional accreditation may not be submitted before the expiry of 5 years from the date on which the decision became final:

- a) withdrawing institutional accreditation for the given field or fields of study, or
- b) imposing an administrative penalty for an offence under Section 93n(1).

(8) If a higher education institution holding institutional accreditation has applied for an extension of institutional accreditation to an additional field or fields of study and that application was rejected, it may submit a new application for the extension of institutional accreditation for the given field or fields of study no sooner than 2 years from the date on which the decision rejecting the application became final.

#### Section 81b

(1) Institutional accreditation for a field or fields of study shall be granted for a period of 10 years; it shall be granted for a period of 5 years if the higher education institution is being granted institutional accreditation for a field or fields of study for which its most recent previous application for an extension of institutional accreditation was rejected. The decision granting institutional accreditation for a field or fields of study must indicate the type or types of degree programmes that may be delivered by the higher education institution in the given field or fields of study based on the institutional accreditation.

(2) Institutional accreditation shall expire upon the lapse of the period for which it was granted, upon withdrawal of the accreditation, or upon notification by the higher education institution to the Accreditation Authority that it waives the accreditation. It is not possible to waive institutional accreditation after proceedings for its withdrawal have been initiated.

(3) If institutional accreditation for a field or fields of study has expired, degree programmes delivered by the higher education institution on the basis of such accreditation as of the date of expiry shall be deemed to be degree programmes accredited for a period of 3 years. Within 120 days from the date of expiry of the accreditation, the Accreditation Authority must decide whether to impose any restriction or withdrawal of accreditation for such degree programmes under Section 86(2)(a) or (b).

(4) If the delivery of degree programmes has ceased for the reasons stated in paragraph 3, the higher education institution is obliged to ensure that students can continue their studies in the same or a similar degree programme at the same or another higher education institution.

#### Section 81c

A higher education institution holding institutional accreditation may, during the period of validity of that accreditation, apply for its extension to cover an additional field or fields of study, or for additional type or types of degree programmes within a field for which it already holds institutional accreditation. Section 81a shall apply with the necessary modifications to the procedure for extending institutional accreditation; the validity period of the institutional accreditation shall not be extended by such an extension.

#### Section 81d

(1) A higher education institution with institutional accreditation may deliver a degree programme within a field for which it holds institutional accreditation in cooperation with another legal entity only on the basis of:

- a) an agreement with a domestic or foreign higher education institution; the foreign higher education institution must meet the requirement of having its registered office, central administration, or principal place of business in a Member State of the European Union and must be established under the law of a Member State of the European Union,
- b) an agreement with a workplace of the Academy of Sciences of the Czech Republic with the status of a public research institution or with another public research institution, or
- c) the granting of accreditation for the degree programme under Section 81.

(2) The cooperation of institutions under paragraph 1 shall be governed by analogy by the provisions on agreements under Section 81(3), or, as appropriate, by the provisions on agreements and academic degrees under Section 47a.

#### Section 82

##### **Accreditation of the Habilitation Procedure and the Procedure for the Appointment of Professors**

(1) The entitlement of a higher education institution or its constituent part to conduct a habilitation procedure or a procedure for the appointment of professors in a given field is subject to accreditation granted by the Accreditation Authority.

(2) The written application by the higher education institution for accreditation shall include:

- a) the name of the higher education institution or the name of the constituent part where the procedure is to be conducted,
- b) the field of the habilitation procedure or the procedure for the appointment of professors,
- c) a description of the system for quality assurance and internal evaluation of the educational, creative, and related activities of the higher education institution, and an assessment of the necessary staffing, financial, material, and other provision and its development,
- d) a list of members of the scientific or artistic board of the higher education institution, or,

where applicable, members of the scientific or artistic boards of the relevant constituent parts.

(3) The provisions of Section 79(3) shall apply by analogy to the accreditation of the habilitation procedure and the procedure for the appointment of professors.

(4) The Accreditation Authority shall assess whether the circumstances demonstrated under paragraph 2(c) and (d) provide the basis for an objective assessment of the teaching and scientific or artistic qualifications of the candidate for appointment as associate professor or professor.

(5) The Accreditation Authority shall decide on the application for accreditation within 120 days.

(6) The Accreditation Authority shall not grant accreditation if:

a) the higher education institution does not meet the prerequisites for the objective assessment of the teaching and scientific or artistic qualifications of the candidate for appointment as associate professor or professor under paragraph 4, or otherwise does not offer sufficient guarantees for the proper conduct of the habilitation procedure or the procedure for the appointment of professors,

b) the higher education institution has not delivered a doctoral degree programme relevant to the field of the habilitation procedure or the procedure for the appointment of professors for a period of at least twice the standard length of that programme; the Accreditation Authority may, in cases worthy of special consideration, count towards this period the time during which the same or a similar doctoral degree programme was delivered by another higher education institution or its faculty, if the institution applying for accreditation under paragraph 2 substantially relies on staffing previously used by the other institution or faculty to deliver the same or similar doctoral programme, or

c) the application contains incorrect information essential for the accreditation and such deficiencies have not been remedied by the date of the decision.

(7) Accreditation of the habilitation procedure or the procedure for the appointment of professors shall be granted for a maximum period of ten years, calculated from the date on which the decision becomes final.

(8) Accreditation of the habilitation procedure or the procedure for the appointment of professors shall expire upon the lapse of the period for which it was granted, upon withdrawal of the accreditation, or upon notification by the higher education institution to the Accreditation Authority that it waives the accreditation.

#### Section 82a

The government shall, by regulation, lay down standards for institutional accreditation, standards for accreditation of degree programmes, standards for accreditation of the habilitation procedure, and standards for accreditation of the procedure for the appointment of professors.

#### **Accreditation Authority: Status, Competence, and Organisation**

## Section 83

(1) The Accreditation Authority is hereby established. Members of the bodies of the Accreditation Authority shall be independent in their decision-making under paragraph 2. The Accreditation Authority is a legal entity under public law. The seat of the Accreditation Authority is in Prague. The Accreditation Authority is an independent body and, in its activities, is governed only by acts and other legal regulations. Intervention in the activities of the Accreditation Authority is permissible only on the basis of law.

(2) The Accreditation Authority:

a) decides on institutional accreditations,

b) decides on the accreditation of degree programmes,

c) decides on the accreditation of the habilitation procedure and the procedure for the appointment of professors,

d) conducts external evaluation of the educational, creative, and related activities of higher education institutions,

e) takes measures pursuant to Section 81b(3) and Section 86,

f) issues opinions on the granting of state approval and on the type of higher education institution under Section 2(3) and (6), provides the Ministry with cooperation upon request in assessing the fulfilment of the conditions set out in Section 93d(2)(a), Section 93d(3), Section 93ib(2)(a), and Section 93ib(3), and in the subsequent monitoring of compliance, and within this cooperation issues opinions under Section 83c(2)(h),

g) assesses matters related to higher education submitted by the Minister and issues opinions thereon,

h) prepares annual reports on its activities,

i) cooperates with foreign generally recognised evaluation agencies and participates, either through cooperation or, with the consent of the government, through membership, in the activities of international associations or other transnational non-governmental organisations or bodies operating in the field of quality assurance in higher education,

j) performs other activities laid down by this Act.

(3) The Accreditation Authority and the Ministry shall, upon request, provide each other with the information necessary for their activities under this Act.

(4) The Accreditation Authority shall issue its opinion on the type of higher education institution or any opinion requested in the context of cooperation in assessing or monitoring compliance with the conditions under Section 93d(2)(a), Section 93d(3), Section 93ib(2)(a), and Section 93ib(3) within 90 days from the date the request for the opinion was received.

## Section 83a

(1) The executive body of the Accreditation Authority, which exercises the powers of the Accreditation Authority particularly in matters referred to in Section 83c(2), is the fifteen-member Board of the Accreditation Authority. It consists of the chair of the Board of the Accreditation Authority, two vice-chairs of the Board of the Accreditation Authority, and other members of the Board. Membership of the Board of the Accreditation Authority is a public office; appointment as chair, vice-chair, or other member of the Board does not constitute an employment or civil service relationship. The chair of the Board is also the chair of the Accreditation Authority; the two vice-chairs of the Board are also vice-chairs of the Accreditation Authority. Meetings of the Board are convened and chaired by its chair.

(2) The Accreditation Authority is headed by its chair. The chair is the governing body of the Accreditation Authority. The chair appoints and dismisses members of evaluation panels, issues decisions of the Accreditation Authority to terminate administrative proceedings in the event of withdrawal of an application by the applicant, and performs other duties assigned to them by this Act.

(3) In the absence of the chair, the vice-chairs of the Accreditation Authority shall act on their behalf in full, in the order determined by the chair.

(4) The activities of members of the Board of the Accreditation Authority and members of evaluation panels are acts in the public interest<sup>4)</sup> and are remunerated by the Accreditation Authority. The remuneration of the chair, vice-chairs, and other members of the Board shall be determined by the government, taking into account the high professional demands of the role and the responsibility for the proper and independent performance of the activities of the Accreditation Authority. The remuneration of members of evaluation panels shall be determined by the Statute of the Accreditation Authority and paid by the Accreditation Authority. Appointment as a member of an evaluation panel does not establish a labour-law relationship with the Accreditation Authority.

(5) Members of the Board of the Accreditation Authority and members of evaluation panels are entitled to travel expense reimbursements to the same extent, in the same amount, and under the same conditions as employees in an employment relationship<sup>5)</sup>, with the place of residence deemed their regular workplace. Travel expenses are covered by the Accreditation Authority; Section 206(3) and (4) of the Labour Code shall not apply.

(6) The Statute of the Accreditation Authority shall be approved by the government upon the proposal of the Board of the Accreditation Authority submitted through the Minister.

## Section 83b

### **Appointment and Dismissal of Members of the Board of the Accreditation Authority**

(1) The chair of the Accreditation Authority shall be appointed by the government. The proposal for the appointment of the chair of the Accreditation Authority shall be submitted to the government by the Minister in accordance with the result of the selection procedure under Section 83g.

(2) The vice-chairs of the Board of the Accreditation Authority shall be appointed and dismissed from among the members of the Board by the Minister on the proposal of the chair

of the Accreditation Authority.

(3) If the office of the chair of the Accreditation Authority becomes vacant before the expiry of their term of office, the Minister shall appoint one of the vice-chairs of the Accreditation Authority to fully assume the duties of the chair until a new chair is appointed.

(4) The government shall appoint as members of the Board of the Accreditation Authority:

a) 4 persons proposed by the representative body of higher education institutions referred to in Section 92(1)(a), of whom

1. 3 persons shall be recognised experts in the field of quality assurance in higher education or in the field of teaching or creative activity in their respective disciplines, and

2. 1 person shall be a student proposed by the student representatives in the representative body of higher education institutions under Section 92(1)(a),

b) 4 persons proposed by the representative body of higher education institutions referred to in Section 92(1)(b), who are recognised experts in the field of quality assurance in higher education or in the field of teaching or creative activity in their respective disciplines,

c) 3 persons proposed by the Council of Economic and Social Agreement,

d) 1 person proposed by a nationwide association of regional authorities, and

e) 2 persons proposed by the Ministry.

(5) Proposals for appointment as a member of the Board of the Accreditation Authority under paragraph 4(a) to (d) shall be submitted to the Minister within a deadline set by the Minister, which shall be no shorter than 45 days from the date of publication of the call for proposals on the public section of the Ministry's website. Proposals under paragraph 4(a)(1) and paragraph 4(b) to (e) must include justification and the written consent of the proposed individuals; the proposal under paragraph 4(a)(2) must also include the written consent of the proposed person. All proposals with justification, including those under paragraph 4(e), shall be published by the Ministry at least 7 days before submission to the government on the public section of its website.

(6) If the Minister does not receive the required number of proposals under paragraph 4(a) to (d), or if a proposed candidate cannot be appointed for serious reasons – particularly if the candidate does not meet the conditions for appointment – the Minister shall call on the relevant proposing bodies to submit supplementary proposals within 10 days of the publication of the call on the public section of the Ministry's website. If the required number of proposals under paragraph 4(a) to (d) is still not submitted, the Minister shall propose to the government the appointment of the necessary number of members of the Board of the Accreditation Authority.

(7) The term of office of a member of the Board of the Accreditation Authority shall be six years, except for a student member appointed under paragraph 4(a)(2), whose term shall be two years. The same person may hold the office of member of the Board for no more than two consecutive terms. If a member's position becomes vacant before the end of the term, a new member shall be appointed for a six-year term, or in the case of a student member, for a two-

year term. Upon the termination of a member's term, the nominating entity that proposed or was entitled to propose the previous member shall nominate a new candidate.

(8) Members of the Board of the Accreditation Authority shall perform their duties personally and may not receive any instructions or directives in the performance of their duties. A member of the Board shall act independently in proceedings and shall not be bound by orders or wishes from the person or body that nominated or appointed them.

(9) The chair and the vice-chairs of the Board of the Accreditation Authority may not hold any paid or unpaid positions at higher education institutions, may not be members of their bodies, and may not participate in the business activities or decision-making of legal entities operating as higher education institutions. They may also not be in a labour-law or other similar relationship with higher education institutions; this does not apply if they participate in teaching at a higher education institution under Section 70(3).

(10) Other members of the Board of the Accreditation Authority may engage in scientific, pedagogical, literary, journalistic, or artistic activities, provided that such activity does not undermine the dignity or jeopardise trust in the independence and impartiality of the Board of the Accreditation Authority. If members of the Board engage in gainful activity alongside their office, they are obliged to do so in a manner that does not compromise the proper performance of their duties as members of the Board of the Accreditation Authority and does not undermine trust in the independence and impartiality of the Accreditation Authority.

(11) The government may dismiss a member of the Board of the Accreditation Authority if, without serious reason, the member has not performed their duties for six months, if they have seriously violated legal regulations in connection with their duties, or if they have acted in a manner that calls into question the independence of the exercise of the Accreditation Authority's competence. Dismissal may also occur if the member no longer meets the condition for appointment under Section 83ba(1)(c) or, in the case of the chair of the Accreditation Authority, under Section 83ba(1)(d); in such cases, the member is obliged to notify the Accreditation Authority and the Ministry without delay. The Board of the Accreditation Authority may submit to the government a proposal for the dismissal of a member.

(12) Membership of the Board of the Accreditation Authority shall terminate:

a) upon the expiry of the term of office,

b) by resignation,

c) by dismissal from office,

d) upon death or the effective date of a court decision declaring the member dead or missing,

e) in the case of a student member, on the last day of the fourth month following the completion of their degree programme, unless they enrol in another degree programme within that time,

f) on the day a conflict of incompatible functions arises, or

g) on the effective date of:

1. a court decision convicting the member of the Board of the Accreditation Authority of an

intentional criminal offence or sentencing them to an unconditional term of imprisonment for a criminal offence committed through negligence,

2. a court decision approving a plea agreement by which the member of the Board has admitted guilt for an intentional criminal offence,

3. a decision by the public prosecutor conditionally suspending the filing of charges against the member for an intentional criminal offence,

4. a decision by the public prosecutor or a court conditionally discontinuing criminal prosecution for an intentional criminal offence or approving a settlement in criminal proceedings concerning an intentional criminal offence committed by the member, or

5. a court decision restricting the legal capacity of the member.

A person whose membership of the Board of the Accreditation Authority has terminated for reasons under points (e) to (g) must notify the Accreditation Authority and the Ministry of the termination and its reason without delay.

### Section 83ba

(1) Only a natural person who meets the following criteria may be appointed as the chair of the Accreditation Authority or as another member of the Board of the Accreditation Authority, with the exception of student members under paragraph 2:

a) they are of good character; for the purposes of this paragraph and paragraph 2, a natural person who has been finally convicted of an intentional criminal offence shall not be considered of good character, unless they are deemed not to have been convicted,

b) they have full legal capacity,

c) they have attained higher education in a master's degree programme,

d) in the case of the chair of the Accreditation Authority, they have been awarded the academic title "doctor" (abbreviated as "Ph.D.") or a comparable title, or they are an associate professor or professor, or have achieved a comparable position abroad, and

e) they have demonstrable prior experience in quality assurance in higher education.

(2) A member of the Board of the Accreditation Authority appointed upon the proposal under Section 83b(4)(a)(2) from among students of higher education institutions may only be a person who:

a) is of good character,

b) has full legal capacity, and

c) is a student at a domestic higher education institution.

(3) The office of member of the Board of the Accreditation Authority is incompatible with the office of member or alternate member of the appeals committee of the Accreditation Authority. It is also incompatible with the office of member of parliament, senator, member of the government, judge, public prosecutor, member of the Supreme Audit Office, rector, vice-rector, member of the governing body or other comparable managing authority of a legal entity holding state approval to operate as a private higher education institution, dean, vice-dean,

director of a higher education institute, member of the academic senate of a higher education institution or faculty, member of the internal evaluation board, bursar, and faculty secretary, as well as with equivalent functions at a private higher education institution or foreign higher education institution, and with the office of director of a tertiary vocational school.

### Section 83c

#### **Powers of the Board of the Accreditation Authority**

(1) The Board of the Accreditation Authority shall decide on all matters falling within the powers of the Accreditation Authority, unless otherwise provided by law.

(2) The following powers are reserved to the Board of the Accreditation Authority:

a) adopting the draft Statute of the Accreditation Authority and submitting it to the government through the Minister,

b) deciding, with the exception of issuing a resolution to discontinue proceedings in the case of withdrawal of an application by the applicant, in administrative proceedings conducted by the Accreditation Authority at first instance:

1. on applications for institutional accreditation and its extension, on accreditation of a degree programme and its extension or expansion, on accreditation of habilitation procedure or of the procedure for appointment of professors,

2. on restriction or withdrawal of accreditation of a degree programme, on restriction or withdrawal of institutional accreditation for a field of study, on suspension or withdrawal of accreditation of the habilitation procedure or the procedure for appointment of professors, and on restriction or termination of the right to deliver a degree programme based on institutional accreditation under Section 86(2) to (5),

3. on revocation of measures under Section 86(9),

c) submitting proposals to the Ministry for amendments to the standards for accreditation as laid down by government regulation under Section 82a,

d) establishing, on the basis of proposals prepared by the chair of the Accreditation Authority, recommended procedures and methods of evaluation activities of the Accreditation Authority in accordance with the standards for accreditation under Section 78a,

e) issuing opinions on the type of higher education institution and assessing objections filed against such opinions,

f) issuing reports on external evaluation of the educational, creative and related activities of higher education institutions under Section 84 and assessing objections filed against such reports,

g) issuing opinions on the granting of state approval,

h) issuing opinions on the personnel, financial and material provision of a foreign higher education programme and on the implementation of relevant related creative activity by the applicant for authorisation or permission to provide foreign higher education in the Czech Republic in such a programme, or on compliance with these conditions by the holder of such

authorisation or permission, if the Ministry requests the cooperation of the Accreditation Authority when assessing compliance under Section 93d(2)(a), Section 93d(3), Section 93ib(2)(a), or Section 93ib(3),

i) listing candidates for the function of evaluator in the Pool of Evaluators,

j) adopting a resolution, on the initiative of at least one third of its members, the representative body of higher education institutions, or the Minister, to propose the dismissal of a member of the Board of the Accreditation Authority.

(3) A resolution under paragraph 2(a) shall require the approval of two-thirds of all members of the Board of the Accreditation Authority.

(4) An appeal against a decision issued in matters referred to in paragraph 2(b) may be lodged with the appeals committee of the Accreditation Authority, which shall review only whether the contested decision and the procedure leading to it complied with legal regulations and the Statute of the Accreditation Authority. In appeal proceedings, the appeals committee of the Accreditation Authority may only confirm the contested decision and dismiss the appeal, or annul the contested decision or part thereof and return the matter for re-examination or annul it in part and terminate the proceedings.

(5) During deliberations and voting on resolutions under paragraph 2, only members of the Board of the Accreditation Authority, the person authorised to draft the minutes, and other persons with prior approval from the Board may be present.

(6) In administrative proceedings under paragraph 2(b), from the moment the Board of the Accreditation Authority adopts a resolution on the merits of the case, the participants in the proceedings shall not be entitled to propose new evidence or make other proposals, and any such submissions made after the resolution and before the issuance of the decision shall be disregarded, except where the applicant narrows the subject of the application or withdraws it. The Accreditation Authority shall, together with the invitation to comment on the materials before a decision is issued, inform the participant of these restrictions and of the date on which the Board of the Accreditation Authority will consider the matter.

(7) The Accreditation Authority shall publish on the public section of its website the operative part of final decisions issued under paragraph 2(b) and the operative part of final decisions on appeals issued under paragraph 4, together with a brief statement of the reasons for those decisions. Other resolutions adopted by the Board of the Accreditation Authority under paragraph 2 and their justifications shall be published by the Accreditation Authority on the Ministry's website immediately after their adoption. The Accreditation Authority shall also publish on the Ministry's website the final written output of the evaluation committee's work.

## Section 83d

### **Appeals Committee of the Accreditation Authority**

(1) The appeals committee of the Accreditation Authority consists of 5 members and 2 alternates. A member of the appeals committee of the Accreditation Authority shall be replaced by an alternate for the purposes of a particular proceeding if the member has been excluded from deliberating on the matter due to a conflict of interest or for another reason as stipulated

in the internal regulations of the Accreditation Authority. An alternate shall have the status of a full member of the appeals committee of the Accreditation Authority for the duration of the proceedings.

(2) Members of the appeals committee of the Accreditation Authority shall be appointed by the Minister based on the outcome of a selection procedure under Section 83g; alternates shall be appointed from the first two unsuccessful candidates who met the requirements and criteria for the position of member of the appeals committee of the Accreditation Authority.

(3) Only a natural person who meets the following conditions may be appointed as a member or alternate of the appeals committee of the Accreditation Authority:

a) is of good character; for the purposes of this paragraph, a person shall not be considered of good character if they have been finally convicted of an intentional criminal offence or sentenced to an unconditional term of imprisonment for a criminal offence committed through negligence, unless they are deemed not to have been convicted,

b) has full legal capacity, and

c) has attained higher education in a master's degree programme, which under the Advocacy Act qualifies a candidate for entry into the list of trainee lawyers maintained by the Czech Bar Association.

(4) The term of office of a member of the appeals committee of the Accreditation Authority is four years. A person may hold the office of member of the appeals committee for no more than two consecutive terms.

(5) The office of member or alternate of the appeals committee of the Accreditation Authority is incompatible with the office of member of the Board of the Accreditation Authority and with the offices listed in Section 83ba(3), second sentence.

(6) The Minister may dismiss a member or an alternate of the appeals committee of the Accreditation Authority before the expiry of their term of office if:

a) they have grossly violated legal regulations in connection with the performance of their duties, or

b) they no longer meet the eligibility requirement set out in paragraph 3(c); the member or alternate is obliged to notify the Accreditation Authority and the Ministry of this fact without delay.

(7) The office of member or alternate of the appeals committee of the Accreditation Authority shall terminate:

a) upon the expiry of the term of office,

b) by resignation notified to the Ministry and the Accreditation Authority,

c) by dismissal from office,

d) upon death or the effective date of a court decision declaring the member dead or missing,

e) on the date of occurrence of a conflict of incompatible functions,

f) on the date they cease to be of good character, or

g) on the date of restriction of legal capacity;

a person whose office as member or alternate of the appeals committee of the Accreditation Authority has terminated for the reasons stated under (e) to (g) is obliged to notify the Accreditation Authority and the Ministry of the termination and the reason for it without delay.

(8) Appointment as a member of the appeals committee of the Accreditation Authority does not constitute a labour-law relationship with the Accreditation Authority. The activities of members of the appeals committee are acts performed in the public interest<sup>4)</sup> and for their performance, they shall be remunerated by the Ministry; the amount of remuneration is determined by the Statute of the Accreditation Authority. Members of the appeals committee are also entitled to travel expense reimbursements equivalent in scope, amount, and under the same conditions as those provided to employees in an employment relationship<sup>5)</sup>, with the regular workplace considered to be their place of residence. Travel expenses are covered by the Accreditation Authority; Section 206(3) and (4) of the Labour Code shall not apply.

## Section 83e

### **Evaluation Committees and Pool of Evaluators**

(1) The advisory bodies of the Accreditation Authority's Board are evaluation committees, which are established by the chair of the Accreditation Authority; members of the evaluation committees are appointed from individuals listed in the Pool of Evaluators. The Accreditation Authority shall submit the proposed members of an evaluation committee to the relevant higher education institution for its opinion. If the institution expresses a dissenting opinion, the Accreditation Authority shall propose another member or members of the evaluation committee; the revised proposal shall not be submitted to the higher education institution for further opinion. The provisions of the Code of Administrative Procedure on exclusion from proceedings and decision-making shall apply to members of evaluation committees by analogy; any objection of bias shall be decided by the Board of the Accreditation Authority.

(2) The Statute of the Accreditation Authority shall determine:

a) the number and composition of evaluation committees established for the preparation of documentation for individual procedures under Section 83c(2)(b) and (g) and for individual external evaluations; each evaluation committee shall always include at least one student, unless it concerns an administrative procedure regarding the granting or withdrawal of accreditation for a habilitation procedure or procedure for the appointment of professors, or the suspension or revocation of suspension of such accreditation,

b) criteria for the composition of the Pool of Evaluators for individual fields of study, in terms of the representation of individuals active in higher education or other spheres pursuant to paragraph 6(e),

c) rules for selecting members from the Pool of Evaluators to serve on evaluation committees.

(3) The Accreditation Authority manages the Pool of Evaluators. The Pool serves to record individuals who may be appointed to evaluation committees. The Pool is organised by fields of study.

(4) Only a person who is generally recognised as an expert authority in the relevant field of study or a student, and who has been proposed for inclusion in the Pool of Evaluators by the Ministry, another central administrative authority, a body representing higher education institutions under Section 92, a professional organisation, or another legal entity referred to in Section 77b(2)(e), or a person who has expressed an interest in participating in the activities of evaluation committees, may be listed in the Pool. An entry shall be made if the individual meets the conditions for inclusion in the Pool of Evaluators laid down by the Board of the Accreditation Authority, based on the Board's approving resolution and the written consent of the individual concerned to participate in the activities of evaluation committees, and for a period of six years. In the case of individuals focusing on the field of study "Security Fields", inclusion in the Pool also requires the approval of the Ministry of Defence or the Ministry of the Interior. There is no legal entitlement to inclusion in the Pool.

(5) The Board of the Accreditation Authority may remove an evaluator from the Pool of Evaluators before the expiry of the period for which they were listed, at their request, on its own reasoned initiative, or on the basis of a reasoned initiative of the Ministry, the Ministry of the Interior, or the Ministry of Defence.

(6) The following data shall be recorded for each evaluator in the Pool of Evaluators:

a) given name and surname, any additional names and former surname, date of birth, and permanent address; for foreign nationals, also sex, address of registered residence in the Czech Republic, and nationality,

b) unless the person is a student, the focus of the evaluator's higher education, academic degrees, academic ranks, completed habilitation procedures and procedures for the appointment of professors, including the degree programmes or fields in which the degrees and ranks were obtained and in which the habilitation or appointment procedures were completed, and the name of the higher education institution where such procedures took place,

c) in the case of a student, the highest level of education attained, the name of the higher education institution at which the student is enrolled, and the title of the degree programme in which they are studying,

d) in the case of an employee of a higher education institution, the type of basic labour-law relationship with the institution and the name of the higher education institution,

e) the evaluator's profession and its possible links to higher education, including whether they are a current or former academic or research staff member of a higher education institution, an emeritus rector or other former or current official of a higher education institution or one of its parts, an expert from state, regional, or other public administration, an expert from the sphere of employers of higher education graduates, the business sector cooperating with higher education institutions, the research sector, or another practitioner, and the field of study in which

the evaluator is active.

(7) The Accreditation Authority shall publish on the public section of its website an extract from the Pool of Evaluators, which shall include for each evaluator their given name and surname, academic degrees and ranks, profession, and area of expertise; for students, their legal status as a student and the name of the higher education institution at which they are studying shall also be published.

#### Section 83f

### **Office of the Accreditation Authority**

The Office of the Accreditation Authority is an organisational unit of the Accreditation Authority and is responsible for tasks related to the professional, organisational and technical support of the activities of the Accreditation Authority, including maintaining databases related to the activities of the Accreditation Authority and carrying out administrative acts on behalf of the Accreditation Authority, with the exception of acts reserved to bodies or authorised officials as stipulated by law.

#### Section 83g

### **Selection Procedure for the Appointment of a Member of a Body of the Accreditation Authority**

(1) The Ministry shall announce a selection procedure for the appointment of the chair of the Accreditation Authority no later than 90 days before the end of the term of office of the current chair.

(2) The Ministry shall announce a selection procedure for the appointment of a member of the Appeals Committee of the Accreditation Authority no later than 90 days before the end of the term of office of the current member of the Appeals Committee.

(3) If the term of office of the chair of the Accreditation Authority or a member of the Appeals Committee ends before the expiry of their term, a selection procedure shall be announced within 30 days of the termination of the function.

(4) An applicant for the position of chair of the Accreditation Authority or for the position of member of the Appeals Committee of the Accreditation Authority shall attach the following documents to their application for the selection procedure:

- a) a structured curriculum vitae,
- b) a document demonstrating the attainment of the required higher education,
- c) a statutory declaration confirming that the required professional experience condition has been met, including the identification of the person with whom the experience was gained, in the case of an applicant for the position of chair of the Accreditation Authority,
- d) a management and development plan for the Accreditation Authority, in the case of an applicant for the position of chair of the Accreditation Authority, and

e) where applicable, any other documents specified in the notice announcing the selection procedure.

(5) For the selection procedure for the appointment of the chair of the Accreditation Authority, the Minister shall establish a five-member selection committee, composed of:

a) 1 member appointed without nomination,

b) 1 member nominated by the body representing higher education institutions referred to in Section 92(1)(a),

c) 1 member nominated by the body representing higher education institutions referred to in Section 92(1)(b),

d) 1 member nominated by student representatives in the body representing higher education institutions pursuant to Section 92(1)(a), and

e) 1 member nominated by the Council of Economic and Social Agreement.

(6) The selection procedure for the appointment of the chair of the Accreditation Authority shall include a public hearing of the applicants, during which the applicant presents their management and development plan for the Accreditation Authority. The Ministry shall not invite to the public hearing any applicant who does not meet the requirements laid down in Section 83ba(1).

(7) The selection committee established under paragraph 5 shall assess the abilities and professional knowledge required or suitable for the proper performance of the function of chair of the Accreditation Authority in applicants who meet the requirements set out in Section 83ba(1), including an evaluation of their presentation of the management and development plan for the Accreditation Authority during the public hearing. The committee shall determine the ranking of the three most suitable applicants who meet the requirements under Section 83ba(1), from which the Minister shall select the applicant to be proposed to the government for appointment as chair of the Accreditation Authority; the ranking determined by the selection committee shall not be binding on the Minister.

(8) The Ministry shall publish the result of the selection procedure in the public section of its website within 10 days of its conclusion.

#### Section 83h

#### **Budget of the Accreditation Authority**

(1) The Accreditation Authority shall prepare a draft of its budget for each budgetary year, at a minimum covering total revenues and total expenditures, and shall submit it to the Ministry within the deadlines set for the preparation of the state budget of the Czech Republic, together with the annual financial statement of the Accreditation Authority for the preceding accounting period. The budget of the Accreditation Authority is approved by the government.

(2) The financial resources of the Accreditation Authority consist of:

- a) a contribution from the state budget,
- b) interest from deposits, penalties, insurance settlements, and other payments received in connection with the use of the financial resources of the Accreditation Authority,
- c) proceeds from the sale of property owned by the Accreditation Authority,
- d) other income from the activities of the Accreditation Authority.

(3) The contribution from the state budget shall be provided annually in at least the amount of actual expenditures specified in the approved budget that are allocated for the activities of the Accreditation Authority and not covered by the financial resources referred to in paragraph 2(b) to (d). The contribution is provided by the Ministry.

(4) The financial resources of the Accreditation Authority may be used only to cover costs associated with the activities of the Accreditation Authority as approved within the framework of the budget.

(5) Financial settlement of the contribution from the state budget under another legal regulation shall not be carried out.

(6) The Accreditation Authority is an independent accounting unit; within the classification of accounting units under other legal regulations, it is classified among other legal entities whose principal activity is not business.

## Section 84

### **External Evaluation of the Activities of Higher Education Institutions and Inspection**

(1) The Accreditation Authority shall carry out inspections of compliance with legal regulations by higher education institutions in the performance of accredited activities and shall conduct external evaluations of the educational, creative and related activities of higher education institutions.

(2) Evaluations under paragraph 1 shall be carried out:

- a) on the basis of an initiative from the Minister, or
- b) on the basis of a resolution of the Board of the Accreditation Authority.

(3) In the evaluation pursuant to paragraph 1, the Accreditation Authority may make use of the results of the internal evaluation of the quality of the educational, creative and related activities of the higher education institution and any evaluation carried out by a generally recognised evaluation agency under Section 77a(4), which, for the purposes of this Act, means an agency that is listed in the EQAR (European Register of Quality Assurance Agencies) or is a member of the ENQA (European Association for Quality Assurance in Higher Education).

(4) In the procedure of the Accreditation Authority and higher education institutions in the course of external evaluation pursuant to paragraph 2(a) or (b), or in the course of

inspections pursuant to paragraph 1, it is possible, with the prior consent or at the request of the higher education institution, to conduct proceedings and to submit and produce documents in a foreign language or in multiple languages, including without interpretation and translation, if the Board of the Accreditation Authority so resolves. The first sentence may apply only to selected documents or acts, including any site visit by an evaluation committee of the Accreditation Authority and outputs from the activities of the evaluation committee. However, the final evaluation report of the Accreditation Authority and the inspection protocol shall always be produced in the Czech language. If the document under the third sentence is prepared in multiple languages, the Czech version shall be binding in case of discrepancies; for other multilingual documents, the Accreditation Authority Board shall determine the binding version.

## Section 85

### **Obligations in the Implementation of Accredited Activities**

A higher education institution that has been granted accreditation shall, for the duration of its validity:

- a) comply with all requirements arising from Sections 77b and 78a,
- b) improve the quality assurance system for its educational, creative and related activities, and for the internal evaluation of the quality of its educational, creative and related activities, and pursue the objectives of its strategic plan for educational and creative activities,
- c) inform the Accreditation Authority of any substantial changes taking place at the higher education institution that have or may have an impact on the implementation of accredited activities,
- d) provide the Accreditation Authority with the report on the internal evaluation of the quality of the educational, creative and related activities of the higher education institution, any addenda to that report, and any additional information requested by the Accreditation Authority.

## Section 86

### **Corrective Measures in Case of Deficiencies in the Implementation of Accredited Activities**

(1) If the Accreditation Authority identifies deficiencies in the implementation of accredited activities, it shall instruct the higher education institution to remedy the situation within a reasonable period.

(2) If the Accreditation Authority identifies serious deficiencies in the implementation of a degree programme for which accreditation has been granted to the higher education institution or which has been accredited by law and which is not being implemented by the higher education institution on the basis of institutional accreditation in the field of study for which the institution holds institutional accreditation, it shall decide, depending on the nature of the case, to:

- a) restrict the accreditation of the degree programme by prohibiting the admission of further applicants to that programme, or

b) withdraw the accreditation of the degree programme.

(3) If the Accreditation Authority identifies serious deficiencies in the implementation of a degree programme based on institutional accreditation within a field or fields of study for which the higher education institution holds institutional accreditation, it shall decide, depending on the nature of the case, to:

a) restrict the authorisation to implement the degree programme by prohibiting the admission of further applicants to that programme,

b) terminate the authorisation to implement the degree programme,

c) restrict the institutional accreditation for the field or fields of study by terminating the right to create additional degree programmes in that field or fields or to expand existing degree programmes in that field or fields, or

d) withdraw the institutional accreditation for the field or fields of study.

(4) If the Accreditation Authority identifies serious deficiencies in the activities of a higher education institution that has been granted institutional accreditation, it shall decide to withdraw the institutional accreditation for the field(s) of study in which the deficiencies were identified. At the same time, it may also decide to impose the measures referred to in paragraph 3(a) and (b).

(5) If the Accreditation Authority identifies serious deficiencies in a habilitation procedure or a procedure for the appointment of professors, it shall decide, depending on the nature of the case, to suspend or withdraw the accreditation for the habilitation procedure or the procedure for the appointment of professors in the fields in which the deficiencies were identified.

(6) The measures referred to in paragraphs 2 to 5 may also be taken by the Accreditation Authority if the deficiencies identified under paragraph 1 are not remedied within the time limit set by the Accreditation Authority, or if the higher education institution fails to cooperate as required for the proper exercise of the Accreditation Authority's responsibilities.

(7) The Accreditation Authority may also withdraw accreditation if circumstances arise on the part of the higher education institution, its constituent part, or a cooperating legal entity that would justify the rejection of an application for accreditation.

(8) In the event of the withdrawal of accreditation under paragraph 2(b), or the termination of authorisation under paragraph 3(b), the higher education institution is obliged to ensure that students are provided with the opportunity to continue their studies in the same or a similar degree programme at the same or another higher education institution.

(9) If the reasons for which a corrective measure was imposed under paragraph 2(a), paragraph 3(a) or (c), or the measure suspending accreditation under paragraph 5 cease to exist, the Accreditation Authority shall revoke the measure.

(1) The only party to proceedings under Sections 78 to 86 is the higher education institution that holds the relevant accreditation or is applying for accreditation; the party to proceedings under Section 81 shall also include the relevant legal entity engaged in educational and creative activities as referred to in Section 81(1).

(2) The only party to proceedings under Section 79(5) is the applicant who has been granted state approval to operate as a private higher education institution by a decision that has not yet entered into effect.

(3) A legal entity referred to in Section 81d(2)(b) shall also be a party to proceedings on an application for the granting of institutional accreditation, if the decision granting institutional accreditation is intended to establish the right for the higher education institution to implement a degree programme in cooperation with that legal entity.

## **PART TEN**

### **STATE ADMINISTRATION**

#### **Section 87**

#### **Competence of the Ministry**

(1) The Ministry shall:

- a) register the internal regulations of higher education institutions,
- b) prepare and publish the annual report on the state of higher education and the strategic plan of the Ministry and the annual plan for its implementation,
- c) discuss and evaluate the strategic plans of public higher education institutions and the strategic plans of private higher education institutions and the annual plans for their implementation,
- d) allocate financial resources from the state budget (education chapter) to higher education institutions and monitor their use,
- e) supervise the financial management of public higher education institutions; in doing so, it shall proceed according to a special regulation,<sup>20)</sup>
- f) grant state approval under Sections 39 and 39a,
- g) determine by decree:
  1. the qualifications framework,
  2. the format and structure of the data report and technical conditions and deadlines for the submission of data under Section 87b(4),
  3. the deadlines, structure and form of data submissions by higher education institutions to the Ministry under point (i),
  4. the format and structure of the data report and technical conditions and deadlines for the submission of data under Section 90b(3),

- h) appoint and remove additional members of the examination board under Section 53(3),
- i) aggregate and use information on applicants for admission, on participants and graduates of lifelong learning, and information from the register of students in accordance with special regulations, as well as aggregated data on higher education staff and their remuneration; when aggregating and using information and carrying out statistical surveys, it is authorised, either itself or through a designated person, to use the birth registration numbers of applicants for admission to a degree programme, persons admitted to a degree programme, students enrolled in a degree programme, and persons who have interrupted or terminated their studies in a degree programme, as well as participants and graduates of lifelong learning; higher education institutions are obliged to provide such data to the Ministry within the deadlines, structure and format set by implementing legislation,
- j) maintain:
1. a non-public register of artistic outcomes under Section 77c,
  2. a publicly accessible register of higher education institutions and degree programmes under Section 87a,
  3. a non-public register of associate professors, professors and extraordinary professors of higher education institutions under Section 87b,
  4. a non-public register of proceedings on applications for the recognition of foreign higher education and qualifications under Section 90b,
- k) manage higher education institutions in the exercise of state administration in accordance with this Act,
- l) perform the duties of a superior administrative authority of higher education institutions in administrative proceedings carried out within the scope of state administration,
- m) take measures under Sections 37, 38 and 43,
- n) recognise foreign higher education and qualifications under Sections 89 to 90a,
- o) award scholarships under Section 91b,
- p) provide a contribution from the state budget to the Accreditation Authority and monitor its use,
- q) give consent or express an opinion on matters referred to in Section 95,
- r) provide methodological assistance to higher education institutions in the preparation of statutes and other regulations of higher education institutions and faculties, in maintaining student records, statistical reporting, library services, information systems, and international relations,
- s) award material and financial recognition to outstanding students, graduates of degree programmes, and other persons for exceptional results in study and creative activity,
- t) provide the Accreditation Authority, upon its request and within set deadlines, with information required for its activities,

u) inform, based on materials from the Accreditation Authority, the recognition authorities of the issuance of a decision on granting accreditation of a degree programme aimed at preparation for a regulated profession, or of the implementation of such a degree programme within institutional accreditation for the relevant field of study, for which an opinion has been issued under Section 78(6) and Section 79(2)(f); the given degree programme shall be sent to the recognition authority along with the notification,

v) provide targeted support from European funds through the state budget to legal or natural persons as beneficiaries or co-beneficiaries who, based on an agreement between such persons, carry out projects focused on educational activities implemented at higher education institutions based on a public call,

w) determine the share of targeted support from European funds that the beneficiary is obliged to provide to the co-beneficiary under point (v); in providing targeted support, a special regulation<sup>20a</sup>) shall not apply,

x) grant domestic approval to provide foreign higher education in a foreign higher education degree programme within the territory of the Czech Republic (hereinafter referred to as “domestic approval”) under Sections 93b to 93e, and domestic entitlement to provide foreign higher education in a foreign higher education degree programme within the territory of the Czech Republic (hereinafter referred to as “domestic authorisation”) under Sections 93i to 93ic, and exercise supervision over compliance with legal regulations concerning the provision of foreign higher education and compliance with conditions for implementing foreign higher education under Sections 93d(2) and (3), 93e(1), 93f(1), 93ib(2) and (3), 93ic(1), and 93id(1); in supervising compliance with these regulations and conditions, it may request cooperation from the Accreditation Authority,

y) conduct proceedings concerning administrative infractions under this Act and impose administrative penalties for them,

z) carry out higher authentication of degree certificates/higher education diplomas and diploma supplements issued by higher education institutions in the Czech Republic for the purpose of their use abroad, in the form of verification of signatures and official stamps on the said documents,

za) conduct, either itself or through a designated person, statistical surveys and research related to higher education, also using contact details aggregated under point (i).

(2) The Ministry shall also:

a) allow access to the Register of Artistic Outcomes under Section 77c

1. to the Accreditation Authority, and, upon demonstration of a legal interest, to rectors and deans of faculties of public and state higher education institutions, and to the bodies of private higher education institutions exercising the powers of a rector, as well as to staff members of higher education institutions specifically authorised by such bodies,

2. to individuals whose personal data are listed in the register, with respect to data concerning themselves, including records of access to such personal data,

b) allow access to the Register of Associate Professors, Professors and Extraordinary Professors

of Higher Education Institutions, as referred to in paragraph 1(j)(3) and Section 87b

1. to the Accreditation Authority, and, upon demonstration of a legal interest, to rectors and deans of faculties of public and state higher education institutions, and to the bodies of private higher education institutions exercising the powers of a rector, as well as to staff members of higher education institutions specifically authorised by such bodies; the higher education institution shall use the information from the register of associate professors, professors and extraordinary professors for the purposes of establishing facts in matters concerning accreditations and the establishment or potential overlap of employment or service relationships,

2. to individuals whose personal data are listed in the register, with respect to data concerning themselves, including records of access to such personal data,

3. to governing bodies of providers of foreign higher education within the territory of the Czech Republic, upon demonstration of a legal interest,

c) allow access to the Register of Proceedings on Applications for Recognition of Foreign Higher Education and Qualifications, as referred to in paragraph 1(j)(4) and Section 90b

1. to the Accreditation Authority,

2. to the Ministry of Defence, the Ministry of the Interior, rectors and deans of faculties of public higher education institutions, and to staff members of public higher education institutions specifically authorised by rectors of public higher education institutions; the said authorities and public higher education institutions shall use the information from the register for the purpose of establishing facts in proceedings conducted by them on applications for the recognition of foreign higher education and qualifications or in proceedings concerning applications for admission,

3. to rectors and deans of faculties of state higher education institutions, and to the bodies of private higher education institutions exercising the powers of a rector and to staff members authorised by them, for the purpose of establishing facts in proceedings on applications for admission,

4. to persons who demonstrate entitlement pursuant to a special Act,

5. to individuals whose personal data are listed in the register, with respect to data concerning themselves.

## Section 87a

### **Register of Higher Education Institutions and Degree Programmes**

(1) The Register of Higher Education Institutions and Degree Programmes is part of the Education Information System pursuant to the Education Act.

(2) The Register of Higher Education Institutions and Degree Programmes is structured by higher education institutions, fields of study, and types of accredited or approved degree programmes and their profiles. The register also includes a List of Providers of Foreign Higher Education in the territory of the Czech Republic, as referred to in Sections 93b and 93i, and the foreign higher education degree programmes they offer.

(3) The structure of the register shall be determined by the Ministry; the Accreditation Authority, higher education institutions, and providers of foreign higher education in the territory of the Czech Republic shall provide the Ministry with the required data for registration through the Register of Higher Education Institutions and Degree Programmes, unless the Ministry specifies another method for submitting the data.

## Section 87b

### **Register of Associate Professors, Professors and Extraordinary Professors**

(1) The Register of Associate Professors, Professors and Extraordinary Professors of Higher Education Institutions is a public administration information system used to maintain data on employees in an employment or service relationship with public, state, and private higher education institutions who are associate professors, professors, or extraordinary professors. The administrator of the Register of Associate Professors, Professors and Extraordinary Professors of Higher Education Institutions is the Ministry.

(2) The Register of Associate Professors, Professors and Extraordinary Professors of Higher Education Institutions contains the following data on the employees referred to in the first sentence of paragraph 1:

- a) first name and surname, any additional names and birth surname, year of birth, and the municipality of permanent residence; in the case of foreign nationals, also gender, address of reported residence in the Czech Republic, and nationality,
- b) data on successfully completed habilitation procedures and procedures for the appointment of professors, including the fields in which the habilitation procedures and procedures for the appointment of professors were completed, and the name of the higher education institution at which the procedure took place, along with the dates of appointment as associate professor and professor; for extraordinary professors, the date of attainment of the highest level of education achieved,
- c) data on the establishment, change, and termination of the employee's employment relationship with a higher education institution or, in the case of a state higher education institution, with the Czech Republic, including information on the scope of work, expressed in the prescribed number of hours worked per week, or per calendar year or other relevant period, and the duration of the employment contract with the higher education institution or the Czech Republic, as well as corresponding data on service relationships if the academic post at a state higher education institution is filled by a soldier in active service or a member of the Police of the Czech Republic in a service relationship.

(3) Users of the Register of Associate Professors, Professors and Extraordinary Professors of Higher Education Institutions are:

- a) the Ministry,
- b) the Accreditation Authority,
- c) rectors and staff members of higher education institutions specifically authorised by the rector,
- d) the staff member of the higher education institution whose data are included in the register, insofar as it concerns data relating to themselves.

(4) The Ministry shall determine by decree the format and structure of the data report

through which public, state and private higher education institutions report changes in data relating to their employees, including technical conditions and deadlines for data submission.

(5) The register also includes data on associate professors and professors employed as teaching or research staff members by providers of foreign higher education within the territory of the Czech Republic referred to in Sections 93b and 93i. The provisions of paragraphs 1 to 4 shall apply by analogy to them.

## Section 88

### **Register of Students**

(1) A higher education institution shall maintain a register of students. The register of students serves to record information on students, for activities related to ensuring quality assurance of educational, creative and related activities, for internal evaluation of the quality of educational, creative and related activities of the higher education institution pursuant to this Act, and for budgetary and statistical purposes.

(2) The following shall be recorded in the register of students: the first name and surname, any additional names and birth surname, birth registration number, marital status, and permanent residence address of the student, and their e-mail address if provided by the student; in the case of foreign nationals, also the date of birth, gender, reported residence address in the Czech Republic, and nationality.

(3) The register of students shall include, in particular, the following data for each individual student:

- a) enrolment in studies,
- b) previous education,
- c) degree programme and form of study,
- d) enrolment in a higher year or another block,
- e) completed state examination and awarded academic degree,
- f) interruption of studies,
- g) completion of studies,
- h) transfer,
- i) granting and withdrawal of a doctoral scholarship,
- j) number of the degree certificate/higher education diploma and the diploma supplement, if issued.

(4) Entries in the register of students may be made only by staff members of the higher education institution specifically authorised to do so; the entries referred to in paragraph 3

points a) and c) to i) shall be made without delay, but no later than three working days following the decisive event or three working days after the institution becomes aware of the event. The register of students and the documents relating to decisive events constitute archival records; their archiving and the issuance of extracts and copies shall be carried out in accordance with the Act on Archiving.

(5) A higher education institution shall provide the relevant data from the register of students to any person who demonstrates a legal interest.

## **Recognition of Foreign Higher Education and Qualifications**

### **Section 89**

(1) Upon application by a graduate of a foreign higher education institution, a decision on the application for recognition of foreign higher education and qualifications in the Czech Republic shall be issued:

a) by the Ministry, if the Czech Republic is bound by an international treaty with the country in which the foreign higher education institution is established and recognised, and if the Ministry is authorised by the treaty to grant such recognition,

b) in other cases, by a public higher education institution that offers or is authorised to offer a degree programme in at least one of the fields of study to which the foreign higher education degree programme pertains; the assignment of foreign higher education degree programmes to fields of study shall be governed with the necessary modifications by Section 44(8) and Section 44a.

(2) In case of doubt, the Ministry shall determine which public higher education institution is competent, or it shall decide on the application for recognition of foreign higher education and qualifications in the Czech Republic itself.

(3) A public higher education institution or the Ministry shall decide on the application for recognition of foreign higher education and qualifications in the Czech Republic based on an assessment of whether the institution where the education was obtained qualifies as a foreign higher education institution, and on the qualification level demonstrated by the foreign higher education qualification. For the purposes of Sections 89 to 90b, a foreign higher education qualification<sup>39)</sup> shall mean a degree certificate/higher education diploma or equivalent foreign document certifying the acquisition of competencies, knowledge and skills.

(4) If delivery to the applicant proves demonstrably unsuccessful, or if it is not possible to deliver abroad, the authority deciding on the application shall serve the decision by public notice without appointing a guardian.

### **Section 90**

(1) In matters concerning the recognition of foreign higher education and qualifications by a public higher education institution, the rector shall decide.

(2) The application for recognition shall include the original or an officially certified copy of the foreign higher education qualification and the original or an officially certified copy

of the diploma supplement or a similar document. The public higher education institution or the Ministry may require the applicant to submit, in addition to these documents, supplementary information confirming that the degree programme was delivered by an institution authorised to provide education comparable to higher education under this Act, or information about the content of the foreign higher education degree programme, or other necessary information about the foreign higher education for which recognition is sought. The application shall also include information on the place where the education was provided, if different from the registered seat of the foreign higher education institution.

(3) The public higher education institution or the Ministry may require that the authenticity of signatures and stamps on the original documents be verified by the Ministry of Foreign Affairs of the country in which the foreign higher education institution issuing the document is based, or by the relevant foreign authority and the relevant diplomatic mission of the Czech Republic, unless an international treaty binding on the Czech Republic provides otherwise.

(4) If the applicant has been granted international protection in the form of asylum or subsidiary protection<sup>21a)</sup> in the Czech Republic or in another European Union Member State, or if the applicant must be treated as a refugee, displaced person or a person in a situation similar to that of a refugee under international obligations of the Czech Republic, then the submission of documents under paragraph 2 and the verification of authenticity under paragraph 3 may be replaced by a statutory declaration of the applicant regarding the facts otherwise proved by such documents or verification.

(5) A public higher education institution or the Ministry shall reject an application for recognition of foreign higher education and qualifications in the Czech Republic if the foreign higher education in question:

a) was provided by an institution that, at the time of the applicant's studies, was not part of the higher education system of the country of origin as a higher education institution,

b) was provided by an institution without the relevant authorisation required by the legal regulations of the country of origin to deliver the degree programme,

c) shows a substantial difference compared to the qualification for which recognition is sought, or

d) was obtained through completion of a foreign higher education degree programme delivered fully or partly in the Czech Republic, where:

1. the foreign higher education institution was not, at the time of the applicant's studies, authorised under the legal regulations of its country of origin – under which the foreign higher education was delivered in the Czech Republic – to deliver the programme directly or through a Czech legal entity in the Czech Republic, or

2. the foreign higher education institution or the Czech legal entity cooperating with the respective foreign higher education institution was not, at the time of the applicant's studies in the foreign higher education degree programme delivered in the Czech Republic, authorised under the legal regulations of the Czech Republic to provide foreign higher education in the Czech Republic within the given foreign higher education degree programme.

(6) If the public higher education institution or the Ministry approves the application for

recognition of foreign higher education and qualifications in the Czech Republic, the decision shall always specify the title of the foreign programme completed by the applicant, the corresponding type of degree programme in the Czech Republic that matches the applicant's foreign programme, the field or fields of study to which the foreign programme belongs, the designation of the foreign qualification concerned, including the name and the country of the foreign higher education institution that issued it, and the designation of the country under whose legal system the qualification was issued.

(7) For the purposes of this Act, the country of origin of an educational institution means the foreign state whose higher education system the institution forms part of.

#### Section 90a

(1) When submitting an application for the recognition of foreign higher education and qualifications pursuant to Section 89, the applicant is obliged to pay:

- a) a fee for actions related to the proceedings on the application for recognition of foreign higher education and qualifications under paragraph 2, if the application is submitted to a public higher education institution, or
- b) an administrative fee under paragraph 3, if the application is submitted to the Ministry, the Ministry of the Interior, or the Ministry of Defence.

(2) If the application for recognition of foreign higher education and qualifications pursuant to Section 89 is submitted to a public higher education institution, the institution shall charge a fee for actions related to the proceedings on the application for recognition of foreign higher education and qualifications, amounting to CZK 3,000. The fee constitutes revenue of the public higher education institution and shall be paid to its account.

(3) Submission of an application for recognition of foreign higher education and qualifications pursuant to Section 89 to the Ministry, the Ministry of the Interior, or the Ministry of Defence is subject to a fee as provided by the Act on Administrative Fees<sup>34</sup>.

#### Section 90b

##### **Register of Proceedings on Applications for Recognition of Foreign Higher Education and Qualifications**

(1) The Ministry shall maintain a Register of Proceedings on Applications for Recognition of Foreign Higher Education and Qualifications under Section 89, which is a public administration information system. The Ministry, the Ministry of Defence, the Ministry of the Interior, and public higher education institutions shall enter into the register:

- a) the name(s), surname, date of birth and permanent residence address of the applicant; in the case of foreign nationals, also gender, reported residence address in the Czech Republic, and nationality,
- b) designation of the foreign qualification to which the application relates, including the name and the country of the institution that issued it, and the country whose legal system the qualification was issued under,

c) information on the outcome of the proceedings on the application, including identification of the authority that issued the decision, the reference number under which the proceedings were conducted, and the file number, date of preparation, and date of issuance of the decision on the application,

d) additional information from the foreign qualification document, if available.

(2) The Ministry shall, upon request, provide data from the register to the persons and authorities referred to in Section 87(2)(c).

(3) The Ministry shall determine by decree the format and structure of the data report through which public higher education institutions, the Ministry of Defence, and the Ministry of the Interior submit information related to administrative proceedings they conduct, as well as the technical conditions and deadlines for data submission.

## **PART ELEVEN**

### **SCHOLARSHIPS**

#### Section 91

##### **Scholarships Awarded by Higher Education Institutions**

(1) Higher education institutions may make decisions on scholarships awarded by the higher education institution. These scholarships may be funded:

a) from the scholarship fund or other internal resources of the higher education institution,

b) from resources from the state budget provided to the higher education institution in the form of a grant or contribution under this Act, or

c) from resources pooled in the National Fund or from other public funds provided to the higher education institution under another legal regulation or in connection with the implementation of an international treaty binding on the Czech Republic.

(2) Scholarships may be awarded:

a) for excellent academic results,

b) for outstanding research, development and innovation, artistic or other creative achievements contributing to the advancement of knowledge,

c) for research, development and innovation activity under another legal regulation,

d) in cases of a student's difficult social circumstances,

e) in cases worthy of special consideration,

f) to support study, creative activity, educational activity or practical placements carried out under programmes of the European Union or other multilateral or bilateral international programmes or projects, or

g) in other cases set out in the scholarship and bursary regulations.

(3) Scholarships under paragraph 2 may be awarded to students of higher education institutions. Scholarships under paragraph 2(a) and (b) may also be awarded to graduates of degree programmes who met the conditions for award during their studies. Scholarships under paragraph 2(f) may also be awarded to graduates of degree programmes, participants in lifelong learning, academic staff, and other employees of the higher education institution, provided they are not funded:

a) from the scholarship fund of a public higher education institution, or

b) from state budget resources provided to the public higher education institution in the form of a contribution, unless the support concerns activities implemented under an international treaty binding on the Czech Republic, or under an act issued on its basis, as part of the implementation of a European Union programme or another international programme or project, or in the context of cooperation between the higher education institution and a foreign institution.

(4) Students of doctoral degree programmes may also be awarded a doctoral scholarship under Section 91a.

(5) The scholarship under paragraph 2 letter d) is always awarded to students who are entitled to a state social assistance benefit, which includes a child bonus, under the Act on State Social Assistance Benefits, if the relevant income of household members determined for the purposes of the state social assistance benefit does not exceed the product of the family subsistence minimum and the coefficient 1.5. The scholarship is awarded for the standard period of study of 10 months in an academic year. The monthly amount of the scholarship corresponds to one quarter of the monthly minimum wage, with the scholarship amount thus determined being rounded up to the nearest ten crowns. The student proves his/her entitlement to the scholarship by a written confirmation issued at his/her request by the state social assistance authority that granted the state social assistance benefit, stating that the income of household members determined for the purposes of the state social assistance benefit in the relevant period, which includes the month of September, did not exceed the product of the family subsistence minimum and the coefficient 1.5. The confirmation for the purpose of awarding a scholarship is valid for 11 months from the end of September within the relevant period for which the household income was determined. A student may only apply for a scholarship once during a certain period of time.

(6) In matters concerning scholarships, decisions shall be taken by the higher education institution or faculty:

a) in accordance with the scholarship and bursary regulations, or

b) based on rules arising from directly applicable European Union regulations or from international treaties binding on the Czech Republic and acts adopted pursuant thereto.

(7) The provisions of Section 68(2) to (4) on participation, the status and rights and obligations of students and the procedure of the higher education institution in proceedings concerning scholarships, and on the course of such proceedings, Section 69a(3) on delivery of documents to students, and Section 69b on student submissions to the higher education institution shall apply by analogy to the persons referred to in the second and third sentences of paragraph 3.

(8) Where it follows from the rules under paragraph 6(b), the higher education institution shall award the scholarship based on an agreement concluded with the recipient of the scholarship, and no administrative procedure shall be conducted for awarding the scholarship.

## Section 91a

### **Doctoral Study Income and Doctoral Scholarship**

(1) For the purposes of this Act, doctoral study income shall mean the sum of the monthly amount of financial resources from a doctoral scholarship awarded by a higher education institution or its faculty to a student of its doctoral degree programme, and the monthly amount of salary or wage agreed, set or determined for work in which the student performs, under an employment contract, creative activity related to the development of their dissertation as an employee of the given higher education institution, or as an employee of the Czech Republic working at the given higher education institution, or as an employee of a legal entity with which the given higher education institution has concluded a cooperation agreement under Section 2(8), Section 81, 81d or 93, or another cooperation agreement (hereinafter referred to as the “cooperating employer”).

(2) The right to a doctoral scholarship under paragraph 3 shall arise, during the first instance of study in a doctoral degree programme delivered by a public or state higher education institution or its faculty, provided the study is in full-time form and within the standard length of studies, to a student of a doctoral degree programme who is:

- a) a student of a public higher education institution or its faculty,
- b) a student of a military higher education institution or its faculty, unless serving as a soldier in active service, or
- c) a student of a police higher education institution or its faculty, unless serving as a member of the Police of the Czech Republic or another security corps in a service relationship.

(3) In the case of a student under paragraph 2, the higher education institution shall, when deciding on the doctoral scholarship, ensure that, if the student's doctoral study income at the given higher education institution consists of:

- a) the doctoral scholarship only, the amount of the doctoral scholarship shall not be lower than the minimum monthly wage multiplied by a coefficient of 1.2, rounded up to the nearest ten CZK, or
- b) a combination of salary or wage under paragraph 1 and the doctoral scholarship, the sum of two-thirds of the monthly salary or wage under paragraph 1 and the full amount of the doctoral

scholarship shall not be lower than the minimum monthly wage multiplied by a coefficient of 1.2, rounded up to the nearest ten CZK.

(4) Proceedings concerning the doctoral scholarship shall be initiated by delivery of an application by the student to the higher education institution; they may also be initiated ex officio in the case of a reduction, increase or withdrawal of the doctoral scholarship, or if the doctoral scholarship is to be awarded in cases other than under paragraph 2. The doctoral scholarship shall be awarded separately for each academic year or part thereof within the standard length of studies, including holiday periods; it may also be awarded retrospectively. For the purposes of determining the amount of the doctoral scholarship under paragraph 3, the minimum monthly wage shall be considered as the amount valid and effective on 1 July of the calendar year in which the academic year for which the doctoral scholarship is to be awarded begins at the given higher education institution.

(5) If an admitted applicant enrolls on the same day in multiple doctoral degree programmes in which they meet the conditions under paragraph 2, they may claim the right to a doctoral scholarship under paragraph 4 for the same period only in one of those programmes, which they shall designate. If the student has been lawfully awarded a doctoral scholarship under paragraph 3 by a higher education institution, they may change their choice of degree programme prior to the completion of studies in the given programme only if the scholarship awarded upon their application is withdrawn by the higher education institution.

(6) If the student's doctoral study income under paragraph 1 is at least equal to the amount specified in paragraph 3(a), the doctoral scholarship need not be awarded, and any scholarship already awarded may be reduced or withdrawn. A higher education institution may also decide not to award a doctoral scholarship, to reduce it below the level under paragraph 3, or to withdraw it in the case of a student who seriously fails to meet the study obligations arising from their individual study plan.

(7) The detailed conditions for awarding, reducing, increasing, or withdrawing a doctoral scholarship, as well as the rules for determining its amount, shall be set out by public and state higher education institutions, and possibly also by private higher education institutions in cases under paragraph 8, in the scholarship and bursary regulations.

(8) A higher education institution may set conditions under which students of doctoral degree programmes shall be entitled to a doctoral scholarship in cases other than those under paragraph 2; in such cases, it may depart from paragraphs 3 to 6.

(9) The cooperating employer shall, without delay, provide the higher education institution with information on the commencement and termination of the student's employment, or on any substantial change in the job description, on the monthly salary or wage paid to the student for the work under paragraph 1, and on any changes to that amount.

## Section 91b

### **Scholarships Awarded by the Ministry**

(1) The Ministry may make decisions on scholarships awarded:

a) for excellent academic results,

b) for outstanding research, development and innovation, artistic or other creative achievements contributing to the advancement of knowledge,

c) for research, development and innovation activity under another legal regulation,

d) to support study in degree programmes or lifelong learning programmes at domestic or foreign higher education institutions, or in foreign higher education degree programmes delivered within the territory of the Czech Republic,

e) to support study or research placements, practical internships or other activities involving lectures or other educational or creative activities carried out under programmes of the European Union, other international programmes or projects, or other activities, or to support other forms of academic mobility,

f) to support student athletes,

g) in cases of a student's difficult social circumstances,

h) in cases worthy of special consideration, or

i) in other cases defined in the scholarship programme of the Ministry.

(2) Scholarships under paragraph 1 may be awarded to students of domestic or foreign higher education institutions. Scholarships under paragraph 1(a) and (b) may also be awarded to graduates of degree programmes who fulfilled the conditions for the award during their studies. Scholarships under paragraph 1(d) may also be awarded to participants in lifelong learning. Scholarships under paragraph 1(e) may also be awarded to graduates of degree programmes, participants in lifelong learning, academic staff, and other employees of a higher education institution. The fourth sentence shall apply only to scholarships supporting activities carried out under an international treaty binding on the Czech Republic, or under an act issued pursuant thereto, or within the implementation of a European Union programme or another international programme or project.

(3) The Ministry shall award scholarships under the conditions set out in paragraphs 1 and 2 according to programmes announced by the Ministry, taking into account the obligations arising from international treaties binding on the Czech Republic.

(4) The programmes announced by the Ministry shall also determine whether the scholarships awarded by the Ministry under the programme shall be paid by the Ministry itself, by an organisational unit of the Czech Republic designated by the Ministry, by a state-funded organisation under the Ministry's authority, or by a domestic higher education institution that receives or sends the scholarship recipient for study, internship, or other mobility. If the scholarship is paid by the higher education institution, it shall receive the funds for its disbursement through a grant or subsidy, or from other resources provided from the state budget or other public funds.

## **PART TWELVE**

### **REPRESENTATION OF HIGHER EDUCATION INSTITUTIONS**

## Section 92

(1) The representation of higher education institutions consists of:

- a) a body composed of members of the academic communities of higher education institutions delegated by their representative academic bodies,
- b) a body composed of representatives of higher education institutions.

(2) Detailed procedures for the formation of these bodies and the rules of their operation shall be laid down in their statutes.

(3) The Minister shall consult with the representation of higher education institutions on proposals and measures that significantly concern higher education institutions, including draft legislation related to fields of study, standards of accreditation, and admission procedures.

(4) The representation of higher education institutions shall in particular:

- a) submit proposals for the appointment of members of the Board of the Accreditation Authority pursuant to Section 83b(4),
- b) submit to the Board of the Accreditation Authority proposals for entries in the Pool of Evaluators under Section 83e,
- c) may submit comments to the Ministry concerning the content of implementing legislation issued under this Act.

## **PART THIRTEENTH**

### **TEACHING (UNIVERSITY) HOSPITALS**

#### Section 93

(1) Clinical and practical teaching in the fields of study “General Medicine and Dentistry”, “Health Professions”, and “Pharmacy” is carried out in particular in teaching hospitals.<sup>22)</sup> Clinical and practical teaching takes place in these hospitals concurrently with the provision of health services. A staff member of a higher education institution who provides clinical and practical instruction is typically also an employee of the hospital. Research, development, or scientific activities are also carried out in these hospitals.

(2) The details of the cooperation shall be determined by an agreement between the hospital and the higher education institution.

## **PART FOURTEENTH**

### **PROVIDERS OF FOREIGN HIGHER EDUCATION IN THE TERRITORY OF THE CZECH REPUBLIC**

#### Section 93a

## **Foreign Higher Education Institutions and Czech Legal Entities**

(1) For the purposes of Parts Fourteen and Fifteen, the following shall apply:

- a) a foreign higher education institution is a legal entity that, under the legal regulations of its country of origin, is authorised to provide education that leads to the award of higher education in that country; if the legal entity forms part of the higher education system of two or more foreign states, the country of origin shall be determined in each case according to the system to which the relevant foreign higher education degree programme belongs; if the legal entity is simultaneously a domestic higher education institution, it is considered a foreign higher education institution only in relation to the provision of foreign higher education for which it does not hold institutional accreditation or accreditation of a degree programme granted under this Act,
- b) a European foreign higher education institution is a foreign higher education institution that has been established under the law of a European Union Member State and has its registered office, central administration or principal place of business in a Member State of the European Union,
- c) a branch of a foreign higher education institution is a Czech legal entity that holds domestic authorisation to provide foreign higher education in a foreign higher education degree programme of a foreign higher education institution within the territory of the Czech Republic,
- d) a branch of a European foreign higher education institution is a branch of a foreign higher education institution that holds domestic authorisation to provide foreign higher education in a foreign higher education degree programme of a European foreign higher education institution within the territory of the Czech Republic.

(2) The conditions for the provision of education set out in special legislation are not affected by Sections 93b and 93i.

(3) Sections 89 to 90b shall apply by analogy to the recognition of qualifications obtained through study at a foreign higher education institution operating within the Czech Republic.

### **Granting of Domestic Approval to a Foreign Higher Education Institution**

#### **Section 93b**

Domestic approval entitles a foreign higher education institution to provide foreign higher education within the territory of the Czech Republic in the foreign higher education degree programme for which the authorisation was granted.

#### **Section 93c**

(1) Domestic approval is granted to a foreign higher education institution by the Ministry based on its written application. The only participant in the procedure for granting domestic approval is the applicant.

(2) The application for domestic approval shall include:

- a) documents proving that the applicant is a foreign higher education institution and that the degree programme to be delivered under the requested domestic approval is a foreign higher education degree programme,
- b) information on the governing or similar body of the applicant and its members, typically including the designation of the body, the number of its members, and an explanation of how the body acts on behalf of the applicant; where a member of this body is:
  1. a legal entity – its name and registered office,
  2. a natural person – their first name(s), surname, date of birth and residential address or domicile, if they do not have an address in the Czech Republic,
- c) information on all locations where the foreign education activity in the foreign higher education degree programme is to take place, including addresses of these sites, and depending on the type of degree programme, also information on any creative activity to be carried out within the territory of the Czech Republic, along with copies of lease agreements or other documents proving the applicant's right to use buildings or premises in the Czech Republic where the education and creative activity under the given foreign higher education degree programme will take place,
- d) information on staffing for the foreign higher education degree programme and, depending on the type of programme, for the associated creative activity in the Czech Republic,
- e) information on the financial and material support for the delivery of education in the foreign higher education degree programme, and for the associated creative activity in the Czech Republic, if applicable,
- f) information about the studies in the foreign higher education degree programme intended to be delivered in the Czech Republic, particularly concerning its content, graduate employability, study organisation, the foreign academic or other title awarded, scope of study, and rights and obligations of students,
- g) documents concerning accreditation or other forms of recognition of the foreign higher education degree programme intended to be delivered in the Czech Republic, under the legal regulations of the country of origin; documents must be submitted in original or officially certified copy,
- h) a document certifying the applicant's authorisation under the legal regulations of its country of origin to provide foreign higher education in the Czech Republic, where such authorisation is regulated or restricted by the laws of that state; if this is not regulated or restricted, the applicant shall provide a statutory declaration confirming this fact; the document shall be submitted in original or officially certified copy,
- i) documents demonstrating the integrity of the applicant, if it is a foreign legal entity, and of the members of its governing or similar body who are foreign nationals or foreign legal entities; such documents must not be older than three months on the date of application submission and must be submitted in original or officially certified copy.

(3) To verify the integrity of an applicant who is a Czech legal entity and of a member

of its governing or similar body who is a Czech national or Czech legal entity, the Ministry shall request an extract from the Criminal Register in accordance with other legal regulations. The request and extract shall be submitted electronically, in a form that allows remote access.

(4) To verify the integrity of an applicant who is a foreign legal entity, and of a member of its governing or similar body who is a foreign national or foreign legal entity, the applicant shall submit an extract from the foreign criminal record register or an equivalent certificate issued by the competent authority of the country:

a) of which the natural person is a national, as well as the country where the person last resided continuously for more than six months in the three years immediately preceding the application date for domestic approval; for a natural person who is or was a national of another European Union Member State or who has or had a residential address in such a state, it is sufficient to submit a criminal record extract with an annex containing details of their final criminal convictions and related information recorded in that state's register,

b) where the foreign legal entity has or, in the three years immediately preceding the date of the application for domestic approval, had its registered office, as well as the state in which the foreign legal entity has or had an organisational unit of its business in the same three-year period, if the legislation of that state recognises the criminal liability of legal entities.

(5) If the foreign state does not issue a criminal record extract or equivalent certificate, or if legal or other barriers prevent submission of such a document, the applicant shall provide a statutory declaration of its integrity (if a foreign legal entity) or of the integrity of the relevant member of its governing or similar body who is a foreign national or foreign legal entity.

#### Section 93d

(1) The Ministry shall decide on the application for domestic approval within 150 days of the commencement of the proceedings.

(2) The Ministry shall not grant domestic approval if:

a) the foreign higher education degree programme which the applicant intends to implement in the territory of the Czech Republic is not adequately secured in terms of staffing, finance or material resources, or if the applicant fails to carry out corresponding creative activity,

b) the educational qualifications obtained through studies conducted in the Czech Republic would not be equivalent to the qualifications obtained by completing the corresponding studies in the applicant's country of origin,

c) the operation of the foreign higher education institution in the territory of the Czech Republic would be contrary to the legal regulations of its country of origin,

d) the applicant or any member of its governing or other comparable body is not of good character,

e) the applicant or any member of its governing or other comparable body is not trustworthy,  
or

f) an administrative penalty prohibiting the provision of foreign higher education in the territory of the Czech Republic has been imposed under Section 93n.

(3) When assessing the staffing, financial and material resources and the conditions for ensuring proper instruction or associated creative activity, the standards of accreditation for degree programmes under Section 78a shall be taken into account to the extent appropriate to the nature of the foreign education.

(4) For the purposes of paragraph 2(d) and Section 93h(1)(h)(3), the following shall not be considered of good character:

a) an applicant who has been lawfully convicted of a criminal offence committed through negligence in connection with the provision of education or of an intentional criminal offence, unless it is legally regarded as though they had not been convicted,

b) a member of the applicant's governing or other comparable body who has been lawfully convicted of a criminal offence committed through negligence in connection with the provision of education or of an intentional criminal offence, unless it is legally regarded as though they had not been convicted.

(5) For the purposes of paragraph 2(e), the following shall not be considered trustworthy:

a) a legal entity for a period of 5 years from the date on which a decision becomes final, by which it has had its domestic approval revoked at least three times within one year due to serious or repeated breaches of obligations under this Act, or due to failure to cooperate with oversight authorities,

b) a natural person for a period of 5 years from the date on which a decision becomes final, by which a legal entity had its domestic approval revoked at least three times within one year due to serious or repeated breaches of obligations under this Act, or due to failure to cooperate with oversight authorities, and where the natural person in question served as a member of its governing or other comparable body, provided that at least one of the reasons for revocation occurred during their tenure.

#### Section 93e

(1) The operative part of the decision granting domestic approval must always include:

a) the title of the foreign higher education degree programme for which the domestic approval is granted,

b) the duration of validity of the domestic approval,

c) the name of the country whose legal regulations govern the foreign higher education provided under the given programme, and

d) the foreign academic or other title awarded to graduates, if applicable.

(2) Domestic approval is granted for a period of no more than 6 years.

(3) The Ministry may, upon request by the foreign higher education institution, extend the validity of the domestic approval by up to 6 years, repeatedly if applicable; Sections 93c, 93d, and paragraph 1 shall apply by analogy. An application for extension may be submitted no earlier than 2 years before the expiry of the current domestic approval.

#### Section 93f

(1) A domestic approval granted by the Ministry may not be transferred to another legal entity and does not pass to the legal successor of the foreign higher education institution to which the domestic approval was granted.

(2) If an application for the grant of domestic approval was rejected or if the proceedings concerning the application were discontinued due to the withdrawal of the application, the foreign higher education institution may submit a new application for domestic approval for the same or a similar foreign higher education degree programme no earlier than one year from the date on which the decision rejecting the application or discontinuing the proceedings became final.

#### Section 93g

(1) If the Ministry identifies deficiencies in the implementation of a foreign higher education degree programme for which the foreign higher education institution holds domestic approval, or finds that the institution is not acting in accordance with the domestic approval, it shall call upon the institution to rectify the deficiencies within 90 days of receiving the notice. If the foreign higher education institution fails to rectify the deficiencies within this period, or if it seriously or repeatedly breaches obligations under this Act, or fails to cooperate during inspection, the Ministry may, depending on the nature of the case, revoke or restrict the domestic approval. Restriction of the domestic approval consists of a prohibition on admitting applicants to the relevant foreign higher education degree programme. If the Ministry identifies serious deficiencies in the implementation of the foreign higher education degree programme for which the institution holds domestic approval, it shall revoke or restrict the authorisation accordingly. The Ministry may also revoke or restrict the domestic approval if circumstances arise on the part of the foreign higher education institution that would justify discontinuing the proceedings on an application for the granting or extension of the domestic approval, or rejecting such an application.

(2) The Ministry shall, within 30 days of receiving a notification from the foreign higher education institution on the termination of a foreign higher education degree programme delivered in the Czech Republic, issue a decision revoking the domestic approval. The Ministry may also revoke the domestic approval without prior notification if it finds that the programme has been terminated.

(3) If the domestic approval has been revoked for a reason other than that stated in the second or fourth sentence of paragraph 1, the foreign higher education institution may submit a new application for domestic approval for the same or a similar foreign higher education degree programme no earlier than two years from the date on which the revocation decision became final.

(4) If, before the expiry of the domestic approval, the reasons for which the authorisation

was restricted cease to exist, the Ministry shall cancel the restriction.

## Section 93h

### **Other Obligations of a Foreign Higher Education Institution**

(1) A foreign higher education institution that has been granted domestic approval is obliged, for the duration of its validity, to:

a) provide up-to-date information on foreign higher education degree programmes delivered in the territory of the Czech Republic for inclusion in the Register of Providers of Foreign Higher Education in the Czech Republic and Their Foreign Higher Education Degree Programmes,

b) prepare annually, submit to the Ministry, and publish in the public section of its website an annual report on its activities in the Czech Republic, within the timeframe and format stipulated by the Ministry; the content requirements of Section 21(2) shall apply with the necessary modifications,

c) prepare, submit to the Ministry, and publish in the public section of its website a strategic plan for its operations in the territory of the Czech Republic, no later than 4 months after receiving at least one domestic approval,

d) provide the Ministry, upon request and within the deadlines specified, with information necessary for the Ministry's functions under this Act,

e) maintain a register of students studying in the territory of the Czech Republic, to which Section 87(1)(i) and Section 88 shall apply with the necessary modifications, and transmit data from the register to the Ministry's database as referred to in Section 87(1)(i), within the same deadlines as those for data transmissions from registers of students,

f) provide up-to-date information to the Register of Associate Professors, Professors and Extraordinary Professors concerning associate professors and professors working as teaching or research staff at the foreign higher education institution in the territory of the Czech Republic,

g) notify the Ministry of its dissolution or cessation,

h) inform the Ministry of:

1. the termination of education provision in a foreign higher education degree programme delivered in the territory of the Czech Republic,

2. changes to the information specified in Section 93c(2), submitted as part of the application for granting or extending domestic approval, or of any other facts that significantly impact the implementation of the foreign higher education degree programme for which the institution holds domestic approval,

3. loss of good character of the foreign higher education institution or a member of its governing or similar body, and the loss of trustworthiness of a member of such a body,

i) publish on the public section of its website:

1. a list of foreign higher education degree programmes delivered in the territory of the Czech Republic, including their type, any subdivision into fields of study, form of study, and standard length of studies,

2. documents confirming valid accreditation or other forms of recognition of the foreign higher education degree programmes delivered in the Czech Republic, under the legal regulations of the country of origin,
3. conditions for admission to study delivered in the Czech Republic, the procedure for submitting applications, and information on student enrolment,
4. information on student and graduate rights and obligations in the foreign higher education degree programme,
5. established tuition or other study-related fees,
6. a description of the credit system used, if applicable,
7. all locations where foreign higher education degree programmes are delivered in the Czech Republic, including the addresses of these locations,
8. a list of continuing education programmes,
9. the study and examination regulations or equivalent internal rules, if such regulations are issued under the rules of the country of origin, or other provisions governing similar matters to the study and examination regulations referred to in Section 17(1)(g) of this Act.

(2) The obligation under paragraph 1(g) must be fulfilled without undue delay after the foreign higher education institution becomes aware that the reported event has occurred or will occur. Obligations under paragraph 1(h) must be fulfilled within 30 days of the date on which the reported event occurred. Obligations under paragraph 1(i) must be fulfilled in such a way that current, valid information or documents are published no later than 30 days after the relevant change to the published information or document.

(3) Where the relevant documents or information under paragraph 1 are not prepared in the Czech language, the provider shall submit them together with an officially certified translation into Czech. On the public section of its website, such documents shall be published together with the content corresponding to their certified Czech translation.

(4) Buildings and premises within the territory of the Czech Republic in which educational and creative activities are carried out as part of a foreign higher education degree programme must be clearly and permanently marked by the provider with the provider's name, in a manner visible from outside.

### **Granting of Domestic Authorisation to a Czech Legal Entity**

#### Section 93i

Domestic authorisation entitles a Czech legal entity, in cooperation with a foreign higher education institution, to provide foreign higher education within the territory of the Czech Republic in the foreign higher education degree programme for which the authorisation was granted.

#### Section 93ia

(1) Domestic authorisation is granted to a Czech legal entity by the Ministry based on its application. For the purposes of Parts Fourteen and Fifteen and for the purposes of other legal regulations defining systematic preparation of a child for a future profession, a state higher education institution shall have the same legal standing as a Czech legal entity. The only participant in the proceedings for granting domestic authorisation is the applicant.

(2) The application for domestic authorisation shall include:

a) documents proving that the relevant foreign higher education institution is a legal entity and is part of the higher education system of its country of origin as a foreign higher education institution under Section 93a(1)(a), and that the degree programme to be delivered under the requested domestic authorisation is a foreign higher education degree programme,

b) information about the governing or other similar body of the foreign higher education institution and its members, typically including the designation of the body, the number of its members, and the method by which the body acts on behalf of the institution; where a member of this body is:

1. a legal entity – its name and registered office,

2. a natural person – their first name(s), surname, date of birth and residential address or domicile, if they do not have an address in the Czech Republic,

c) information on all locations where the foreign educational activity in the foreign higher education degree programme will be delivered, including their addresses, and, depending on the type of programme, also locations of related creative activity in the Czech Republic, together with copies of lease agreements or other documents proving the applicant's legal right to use the buildings or premises where such education and creative activity will take place,

d) information on staffing for the foreign higher education degree programme and, depending on the type of programme, for the associated creative activity in the Czech Republic,

e) information on the financial and material support for the delivery of education in the foreign higher education degree programme, and for the associated creative activity in the Czech Republic, if applicable,

f) information about the content of the foreign higher education degree programme to be delivered in the Czech Republic, particularly its structure, graduate employability, organisation of study, the foreign academic or other title awarded, scope of study, and the rights and obligations of students,

g) documents confirming accreditation or other form of recognition of the foreign higher education degree programme under the legal regulations of the country of origin of the relevant foreign higher education institution; documents must be submitted in original or officially certified copy,

h) the agreement(s) or other documents evidencing and governing the cooperation between the Czech legal entity and the relevant foreign higher education institution; such documents must be submitted in original or officially certified copy,

i) a document confirming that the applicant is authorised under the legal regulations of the country of origin of the foreign higher education institution to provide foreign higher education in the territory of the Czech Republic in cooperation with the said institution, if such authorisation is regulated or restricted by the legislation of the country of origin; if it is not regulated or restricted, the applicant shall provide a statutory declaration to that effect; the document must be submitted in original or officially certified copy,

j) the prior written consent of the Ministry of the Interior to submit the application for domestic

authorisation for a specific foreign higher education degree programme, and to provide foreign higher education in such programme under the legal regulations of the foreign higher education institution's country of origin, if the applicant is a police higher education institution,

k) the prior written consent of the Ministry of Defence to submit the application for domestic authorisation for a specific foreign higher education degree programme, and to provide foreign higher education in such programme under the legal regulations of the foreign higher education institution's country of origin, if the applicant is a military higher education institution,

l) documents proving the good character of a member of the applicant's governing body who is a foreign national or foreign legal entity; such documents must not be older than three months on the date of submission of the application.

(3) For the purpose of verifying the good character of the applicant and of a member of its governing body who is a Czech national or a Czech legal entity, the Ministry shall request an extract from the Criminal Register in accordance with other legal regulations. The request and extract shall be submitted electronically, in a form that allows remote access.

(4) For the purpose of verifying the good character of a member of the applicant's governing or other similar body who is a foreign national or a foreign legal entity, the applicant shall submit an extract from a foreign criminal record or an equivalent certificate issued by an authority of the country:

a) of which the natural person is a citizen, as well as by an authority of the country in which the person last resided continuously for more than 6 months during the 3 years immediately preceding the date of submission of the application for domestic authorisation; to verify the good character of a natural person who is or was a citizen of another European Union Member State or has or had residence in another European Union Member State, it shall suffice to submit a criminal record extract, possibly with an annex containing information on their final criminal convictions and related data recorded in the register of that state,

b) in which the foreign legal entity has or, during the 3 years immediately preceding the date of submission of the application for domestic authorisation, had its registered office, as well as by the authority of the country in which the foreign legal entity has or had an organisational unit of its business in the same three-year period, if the legal system of that country provides for the criminal liability of legal entities.

(5) If the foreign country does not issue a criminal record extract or an equivalent certificate, or if there are legal or other obstacles to submitting such a document, the applicant shall submit a statutory declaration on the good character of the relevant member of its governing or similar body who is a foreign national or a foreign legal entity.

#### Section 93ib

(1) The Ministry shall decide on the application for domestic authorisation within 150 days of the commencement of the proceedings.

(2) The Ministry shall not grant domestic authorisation if:

a) the foreign higher education degree programme which the applicant intends to implement in

the territory of the Czech Republic is not adequately secured in terms of staffing, finance or material resources, or if the applicant fails to carry out corresponding creative activity,

b) the educational qualifications obtained through studies conducted in the Czech Republic would not be equivalent to the qualifications obtained by completing the corresponding studies in the country of origin of the relevant foreign higher education institution,

c) the operation of the relevant foreign higher education institution in the territory of the Czech Republic through the applicant would be contrary to the legal regulations of its country of origin,

d) the applicant or any member of its governing body is not of good character, or

e) the applicant or any member of its governing body is not trustworthy.

(3) When assessing the staffing, financial and material resources and the conditions for ensuring proper instruction or associated creative activity, the standards of accreditation for degree programmes under Section 78a shall be taken into account to the extent appropriate to the nature of the foreign education.

(4) For the purposes of paragraph 2(d) and Section 93if(1)(g)(3), the following shall not be considered as being of good character:

a) an applicant who has been lawfully convicted of a criminal offence committed through negligence in connection with the provision of education or of an intentional criminal offence, unless it is legally regarded as though they had not been convicted,

b) a member of the applicant's governing body who has been lawfully convicted of a criminal offence committed through negligence in connection with the provision of education or of an intentional criminal offence, unless it is legally regarded as though they had not been convicted.

(5) For the purposes of paragraph 2(e), the following shall not be considered trustworthy:

a) a legal entity for a period of 5 years from the date on which a decision became final, whereby the domestic authorisation was revoked at least three times within one year due to serious or repeated breaches of obligations under this Act, or due to failure to cooperate during an inspection,

b) a natural person for a period of 5 years from the date on which a decision becomes final, by which a legal entity had its domestic authorisation revoked at least three times within one year due to serious or repeated breaches of obligations under this Act, or due to failure to cooperate with oversight authorities, and where the natural person in question served as a member of its governing or other comparable body, provided that at least one of the reasons for revocation occurred during their tenure.

#### Section 93ic

(1) The operative part of the decision granting domestic authorisation must always include:

- a) the name of the foreign higher education degree programme of the foreign higher education institution for which the domestic authorisation is granted,
- b) the duration of validity of the domestic authorisation,
- c) the name of the country whose legal regulations govern the foreign higher education provided under the given programme, and
- d) the foreign academic or other title awarded by the foreign higher education institution, if applicable.

(2) Domestic authorisation shall be granted for a period of no more than 6 years.

(3) The Ministry shall decide, based on an application submitted by the branch of the foreign higher education institution, to extend the validity of the domestic authorisation by up to 6 years, and may do so repeatedly; Sections 93ia and 93ib and paragraph 1 shall apply by analogy. An application for extension may be submitted no earlier than 2 years before the expiry of the current domestic authorisation.

#### Section 93id

(1) A domestic authorisation granted by the Ministry may not be transferred to another legal entity and does not pass to the legal successor of the Czech legal entity to which the domestic authorisation was granted.

(2) If the application of a Czech legal entity for the grant of domestic authorisation was rejected, or if the proceedings concerning the application were discontinued due to withdrawal of the application, the Czech legal entity may submit a new application for domestic authorisation for the same or a similar foreign higher education degree programme no earlier than one year from the date on which the decision rejecting the application or discontinuing the proceedings became final.

#### Section 93ie

(1) If the Ministry identifies deficiencies in the implementation of a foreign higher education degree programme for which a branch of a foreign higher education institution holds domestic authorisation, or finds that the branch is not acting in accordance with the authorisation, it shall call on the branch to rectify the deficiencies within 90 days of delivery of the notice. If the branch fails to rectify the deficiencies within this period following the Ministry's request, or if it seriously or repeatedly breaches its obligations under this Act, or fails to cooperate with an inspection, the Ministry may, depending on the nature of the case, revoke or restrict the domestic authorisation. Restriction of the domestic authorisation consists of a prohibition on admitting applicants to the respective foreign higher education degree programme. If the Ministry identifies serious deficiencies in the implementation of the foreign higher education degree programme for which the branch holds domestic authorisation, the Ministry shall revoke or restrict the authorisation as appropriate. The Ministry may also revoke or restrict the domestic authorisation if circumstances arise on the part of the branch or the foreign higher education institution that would justify discontinuing the proceedings on the application for the grant or extension of domestic authorisation, or rejecting such an application.

(2) The Ministry shall, within 30 days of receiving notification from the branch of the foreign higher education institution about the termination of the foreign higher education degree programme in the Czech Republic, issue a decision revoking the domestic authorisation. The Ministry may also revoke the domestic authorisation without prior notification if it finds that the programme has been terminated.

(3) If the domestic authorisation has been revoked for a reason other than that stated in the second or fourth sentence of paragraph 1, the relevant Czech legal entity may submit a new application for domestic authorisation for the same or a similar foreign higher education degree programme no earlier than two years from the date on which the revocation decision became final.

(4) If, before the expiry of the domestic authorisation, the reasons for which it was restricted cease to exist, the Ministry shall cancel the restriction.

#### Section 93if

#### **Other Obligations of a Branch of Foreign Higher Education Institution**

(1) A branch of a foreign higher education institution shall be obliged to:

a) provide up-to-date information on foreign higher education degree programmes delivered in the territory of the Czech Republic for inclusion in the Register of Providers of Foreign Higher Education in the Czech Republic and Their Foreign Higher Education Degree Programmes,

b) prepare, submit to the Ministry, and publish annually in the public section of its website an annual report on the provision of foreign higher education within the territory of the Czech Republic, by the deadline and in the form specified by the Ministry; Section 21(2) shall apply with the necessary modifications to the content of the annual report,

c) provide the Ministry, upon request and within the deadlines specified, with information necessary for its activities under this Act,

d) maintain a register of students for students studying in the Czech Republic, to which Section 87(1)(i) and Section 88 shall apply with the necessary modifications, and submit data from the register of students to the database maintained under Section 87(1)(i), by the deadlines set in Section 87(1)(g)(3) and Section 87(1)(i) for the transmission of student data to the Ministry,

e) provide up-to-date information to the Register of associate professors, professors, and extraordinary professors on those acting as teaching or research staff at the branch within the Czech Republic,

f) notify the Ministry of the dissolution or termination of the relevant foreign higher education institution,

g) inform the Ministry of:

1. the termination of education provision in a foreign higher education degree programme delivered in the territory of the Czech Republic,
2. any change to the data submitted under Section 93ia(2) in the application for the grant or

extension of domestic authorisation, or any other circumstances significantly affecting the implementation of the foreign higher education degree programme in the Czech Republic for which the branch holds domestic authorisation,

3. the loss of good character of the branch or of a member of its governing body, and the loss of trustworthiness of a member of its governing body,

h) publish in the public section of its website:

1. a list of foreign higher education degree programmes delivered in the territory of the Czech Republic, including their type, any subdivision into fields of study, form of study, and standard length of studies,

2. documents demonstrating the validity of accreditation or other forms of recognition of the foreign higher education degree programmes delivered in the Czech Republic, in accordance with the legal regulations of the country of origin of the relevant foreign higher education institution,

3. conditions for admission to study delivered in the Czech Republic, the procedure for submitting applications, and information on student enrolment,

4. information on student and graduate rights and obligations in the foreign higher education degree programme,

5. established tuition or other study-related fees,

6. a description of the credit system used, if applicable,

7. all locations, including addresses, where study is delivered in the foreign higher education degree programme in the Czech Republic,

8. a list of continuing education programmes,

9. the study and examination regulations or equivalent internal rules, if such regulations are issued under the rules of the country of origin, or other provisions governing similar matters to the study and examination regulations referred to in Section 17(1)(g) of this Act.

(2) The obligations under paragraph 1(f) must be fulfilled without undue delay once the foreign higher education institution becomes aware that the reported event has occurred or will occur. Obligations under paragraph 1(g) must be fulfilled within 30 days from the date the reported event occurred. Obligations under paragraph 1(h) must be fulfilled in such a way that current, valid information or documents are published no later than 30 days after the relevant change to the published information or document. Where the relevant documents or information under paragraph 1 are not prepared in the Czech language, the provider shall submit them together with an officially certified translation into Czech. On the public section of its website, such documents shall be published together with the content corresponding to their certified Czech translation.

(3) Buildings and premises within the territory of the Czech Republic in which educational and creative activities are carried out as part of a foreign higher education degree programme must be clearly and permanently marked by the provider with the provider's name, in a manner visible from outside.

## Section 93j

### **Relationship to the Definition of Systematic Preparation for a Future Occupation under Special Regulations on State Social Support and Pension Insurance**

(1) If the Act on State Social Support or the Act on Pension Insurance stipulates that, for the purposes of state social support or pension insurance, the Ministry shall decide whether

education provided within a foreign higher education degree programme carried out in the territory of the Czech Republic by a foreign higher education institution or a Czech legal entity is equivalent to studies at higher education institutions in the Czech Republic, the Ministry may issue such a decision only if the education is provided by:

a) a foreign higher education institution, provided that this foreign higher education institution held domestic approval for the given foreign higher education degree programme under Section 93b to 93e at the time of the relevant studies, or

b) a Czech legal entity, provided that this Czech legal entity held domestic authorisation for the given foreign higher education degree programme under Section 93i to 93ic at the time of the relevant studies.

(2) If participants in education within a foreign higher education degree programme provided in the territory of the Czech Republic by a Czech legal entity do not, for the duration of such education, hold student status at the relevant foreign higher education institution under the legal regulations of the home state of that foreign higher education institution – despite the fact that the foreign higher education institution issues a degree certificate/higher education diploma or other document attesting to the attainment of foreign higher education upon completion of the programme – such studies may be regarded, for the purposes of state social support or pension insurance, as equivalent to studies at higher education institutions in the Czech Republic under the Act on State Social Support or the Act on Pension Insurance only if the education is provided by a European foreign higher education institution.

#### Section 93k

### **Cooperation with the Home States of European Foreign Higher Education Institutions**

If the Ministry or the Accreditation Authority finds that a European foreign higher education institution or its branch operating in the Czech Republic provides incorrect information or otherwise seriously breaches the legal regulations of the Czech Republic or of the home state of the European foreign higher education institution, or directly binding legal acts of the European Union in fulfilling its obligations under Section 93h and 93if, it shall notify the accreditation body of the home state that oversees higher education activities, or another competent authority. The Ministry or the Accreditation Authority shall proceed in the same manner if there is reasonable suspicion that the conduct of a European foreign higher education institution or its branch in the territory of the Czech Republic constitutes a serious violation of the aforementioned regulations or that there are substantial discrepancies between the actual implementation of the foreign higher education degree programmes in the Czech Republic and the conditions for their implementation as stipulated by the legal regulations or relevant decisions of the home state of the European foreign higher education institution. The Ministry or the Accreditation Authority shall publish general information about the facts referred to in the first or second sentence on the public section of their websites.

#### Section 93l

Sections 93a to 93k shall not apply to the implementation of degree programmes under Section 47a.

## **PART FIFTEEN**

## **ADMINISTRATIVE INFRACTIONS**

### **Section 93m**

#### **Infraction By a Natural Person**

(1) A natural person commits an infraction by deliberately and unlawfully using an academic degree or the title of a higher education graduate.

(2) A fine of up to CZK 50,000 may be imposed for an infraction under paragraph 1.

### **Section 93n**

#### **Administrative Infractions**

(1) A natural person, legal entity or self-employed natural person commits an infraction by:

a) conferring an academic degree, conducting a habilitation procedure or a procedure for the appointment of professors, using academic insignia, or holding academic ceremonies in violation of this Act,

b) engaging in conduct contrary to Section 97(1) that is capable of creating the false impression that they are authorised to provide higher education,

c) issuing a certificate of graduation in violation of Section 97(2) that creates a risk of confusion with a degree certificate/higher education diploma issued by a domestic higher education institution, or conferring authorisation to use a title or its abbreviation creating a risk of confusion with an academic degree conferred by a domestic higher education institution under this Act or with its abbreviation, or

d) engaging in conduct contrary to Section 97(3) that is capable of creating the false impression that they are authorised to provide foreign higher education in a specific foreign degree programme in the territory of the Czech Republic.

(2) A self-employed natural person and a legal entity commit an infraction by:

a) using in their name, contrary to Section 2(3), the designation:

1. “vysoká škola” (higher education institution) or derivative forms of the term or a foreign-language translation thereof or its derivatives, or a foreign-language designation capable of creating the false impression that it is a higher education institution pursuant to this Act, or
2. “univerzita” (university) or a derivative form of the term or a foreign-language translation thereof or its derivatives, or a foreign-language designation capable of creating the false impression that it is a university pursuant to this Act, or

b) engaging in conduct contrary to Section 97(1) that is capable of creating the false impression that they are a higher education institution.

(3) A Czech legal entity commits an infraction by:

- a) providing foreign higher education in a foreign degree programme in the territory of the Czech Republic without the appropriate domestic authorisation for the given programme under Sections 93i to 93ic, or
- b) failing to fulfil any of the obligations under Section 93if.

(4) A public higher education institution commits an infraction by failing to provide the Ministry or the Accreditation Authority with information pursuant to Section 21(1)(c).

(5) A private higher education institution commits an infraction by failing to provide the Ministry or the Accreditation Authority with information pursuant to Section 42(1)(c).

(6) A foreign higher education institution commits an infraction by:

- a) providing foreign higher education in a foreign degree programme in the territory of the Czech Republic without the appropriate domestic approval for the given programme under Sections 93b to 93e, or
- b) failing to fulfil any of the obligations under Section 93h.

(7) A fine of up to:

- a) CZK 2,000,000 may be imposed for an infraction under paragraph 1 or 2, paragraph 3(a), or paragraph 6(a),
- b) CZK 500,000 may be imposed for an infraction under paragraph 3(b), paragraph 4 or 5, or paragraph 6(b).

(8) For an infraction under paragraphs 1 to 6, the administrative penalty of publication of the decision on the infraction may be imposed.

(9) If an infraction under paragraph 1(b), (c) or (d), paragraph 2(b), paragraph 3(a), or paragraph 6(a) is committed within 10 years of the date on which the decision on any of these infractions by which the offender was found guilty became final, the administrative penalty of a ban on the provision of foreign higher education in the territory of the Czech Republic for up to 10 years may be imposed.

#### Section 93o

#### **Common Provisions on Administrative Infractions**

(1) An administrative infraction under Section 93m shall be dealt with by the municipal authority of a municipality with extended powers. Administrative infractions under Section 93n shall be dealt with by the Ministry.

(2) Fines under Section 93m(2) shall be collected by the municipal authority of a municipality with extended powers. Fines under Section 93n(7) shall be collected by the

Ministry.

(3) If a legal entity that has committed an administrative infraction under Section 93n, for which it has been lawfully imposed a fine of at least CZK 100,000 under this Act, or a ban on the provision of foreign higher education in the territory of the Czech Republic, is or becomes a provider of foreign higher education in the territory of the Czech Republic under Section 93b or 93i, the information on the commission of the administrative infraction under Section 93n shall be entered in the Register of Providers of Foreign Higher Education in the Territory of the Czech Republic. This entry shall indicate the date on which the decision on the infraction became final, the designation of the infraction, and the amount of the fine imposed or the duration of the ban on activity.

(4) The data recorded pursuant to paragraph 3 shall be deleted from the said register, or not recorded, after the expiry of 10 years from the date on which the decision on the infraction became final.

(5) The possibility of imposing and enforcing the administrative penalty of publication of the decision on the administrative infraction under Section 93n(8) shall not be affected by the entry under paragraph 3.

(6) Only the administrative penalties laid down by this Act may be imposed for administrative infractions under Sections 93m and 93n.

## **PART SIXTEEN**

### **STATE HIGHER EDUCATION INSTITUTIONS**

#### **Section 94**

(1) Military higher education institutions train specialists primarily for the armed forces<sup>36)</sup>; they educate specialists in the field of the security of the Czech Republic and citizens in the defence of the state<sup>37)</sup>. Students who are not active-duty soldiers may also study at these institutions.

(2) Police higher education institutions train specialists primarily for the security forces<sup>38)</sup> and municipal police; they educate specialists in the field of the security of the Czech Republic.<sup>22a)</sup> Students who are not members of a security force may also study at these institutions.

#### **Section 95**

(1) Part Two shall apply to state higher education institutions, with the exception of Sections 14, 15, Section 17(1)(d), Sections 18, 19 and 20, and, in the case of financing the education of active-duty soldiers, Section 18a; Part Nine shall apply with the exception of Sections 81 and 81d. Financial resources under Section 18(2)(a) and (b) and Section 18(5), provided from the state budget, shall be transferred to the state higher education institution by means of a budgetary measure. Financial resources for scholarships under Section 91(2)(e) or Section 91(5), awarded to students of degree programmes in the field of security studies who are not active-duty soldiers, may be transferred to a military higher education institution from the Ministry's budget by means of a budgetary measure. The conditions for implementing the

budgetary measure are similar to those for providing subsidies to public higher education institutions.

(2) Military higher education institutions shall, when admitting applicants for study, follow the requirements of the Ministry of Defence. The course of service and material security of students who are active-duty soldiers are governed by special legislation.<sup>24)</sup> The number of students who are not active-duty soldiers is specified annually in connection with the Ministry of Defence's demand for the training of active-duty soldier students. A foreign national may be admitted to study at a military higher education institution only with the prior consent of the Ministry of Defence, unless this would conflict with an international treaty binding on the Czech Republic. The military higher education institution implementing the degree programme shall request the consent of the Ministry of Defence as part of the admission procedure. The Ministry of Defence may withhold the consent referred to in the fifth sentence only on grounds of ensuring the security of the Czech Republic.

(3) Police higher education institutions shall, when admitting applicants for study, follow the requirements of the Ministry of the Interior.

(4) A state higher education institution may apply for separate accreditation of a degree programme delivered in cooperation with a state higher education institution, public higher education institution or another legal entity that has its registered office, central administration or principal place of business in a Member State of the European Union and that was established under the law of a Member State of the European Union and is engaged in educational and creative activities. In such cooperation for the delivery of a degree programme, the applicant must conclude in advance an agreement on mutual cooperation with the other participating entity or entities, which forms part of the application for accreditation of the given degree programme. Where at least two state higher education institutions are among the participating entities, a record shall be drawn up instead of an agreement. The conclusion of the agreement or the drawing up of the record on cooperation in delivering the degree programme requires the prior written consent of the Ministry of Defence, in the case of a military higher education institution, or the Ministry of the Interior, in the case of a police higher education institution.

(5) A state higher education institution that has been granted accreditation of a degree programme under the first sentence of paragraph 4 shall admit applicants to study in the degree programme and confer on graduates the appropriate academic degree. Where at least two higher education institutions are among the participating entities, the admission of applicants to the degree programme and the conferral of academic degrees on its graduates may be arranged differently from the arrangement referred to in the first sentence; in such cases, the agreement or record on the cooperation of the participating entities must contain at least:

a) identification of the higher education institution or institutions admitting all or part of the applicants to study in the degree programme,

b) identification of the higher education institution or institutions conferring the appropriate academic degree on graduates of the degree programme,

c) rules for the admission of applicants to the degree programme, organisation, and completion of studies in the degree programme,

d) application of the internal regulations of the higher education institutions to students in the

degree programme.

(6) In order for a state higher education institution to obtain authorisation to implement a degree programme pursuant to the first sentence of paragraph 4, accreditation under Section 79 is required even if the participating higher education institution holds institutional accreditation for the field or fields of study within which the given degree programme is to be delivered.

(7) State higher education institutions shall make the results of science or research and development and final theses accessible in accordance with the general regulations on the protection of classified information. Such disclosure must not endanger the fulfilment of tasks in the field of ensuring the defence of the Czech Republic, the safety of persons, property or public order, criminal proceedings, or the protection of critical infrastructure. Disclosure must also not endanger the interests of the Czech Republic abroad or lead to the publication of information provided by the North Atlantic Treaty Organisation or the European Union which, in the interest of national security, public security, or the protection of the rights of third parties, is protected by the said entities with the designation “NATO UNCLASSIFIED” or “LIMITE”, and which is respected in the Czech Republic due to obligations arising from its membership in the North Atlantic Treaty Organisation or the European Union, unless the originator of the information has granted consent for publication.

(8) Military higher education institutions shall maintain a register of students who are active-duty soldiers and a separate register of other students; the same applies to police higher education institutions in relation to students in service and other students.

(9) The Minister of Defence, in relation to military higher education institutions, and the Minister of the Interior, in relation to police higher education institutions, shall exercise the following powers:

- a) submit to the President of the Republic a proposal for the appointment or dismissal of the rector,
- b) decide on the establishment, merger, amalgamation, division or dissolution of a faculty, upon the proposal of the rector,
- c) determine the salary of the rector,
- d) submit to the President of the Republic the proposals of the scientific board of the higher education institution for appointment as professor,
- e) authorise individuals to carry out the responsibilities of the individual bodies of a newly established higher education institution pursuant to Section 103(1).

(10) The Ministry of Defence, in relation to military higher education institutions, and the Ministry of the Interior, in relation to police higher education institutions, shall exercise the powers of the Ministry in the following matters:

- a) register their internal regulations pursuant to Section 36 after the Ministry has provided its opinion,

- b) allocate financial resources from the state budget,
- c) monitor legality and cost-effectiveness in the use of financial and material resources provided from the state budget and in the management of property owned by the Czech Republic,
- d) determine the amount of study-related fees,
- e) may waive payments for the use of purpose-specific facilities,
- f) may, by its decision, award and pay scholarships to students and citizens of the Czech Republic studying abroad,
- g) may, under programmes announced by the Minister of Defence or the Minister of the Interior, award scholarships even beyond the reasons set out in Section 91(2) and Section 91b(1), if the student undertakes to remain, after graduation, in active service as a career soldier or in service as a police officer for an agreed period,
- h) appoint and remove additional members of the examination board under Section 53(3),
- i) may collect and use information from the student register in accordance with special regulations,
- j) perform the tasks of a superior administrative authority of higher education institutions in administrative proceedings,
- k) take measures under Sections 37 and 38,
- l) carry out the activities set out in Section 21(1)(a) to (c) and in Section 75,
- m) provide methodological support to higher education institutions in matters of drafting statutes and other regulations of higher education institutions and faculties, maintaining student records, statistical reporting, library science, information systems, and international relations.

(11) The Ministry of Defence, in the field of military affairs, and the Ministry of the Interior, in the field of security services, shall perform the tasks of the Ministry and public higher education institutions under Sections 89 to 90a regarding the recognition of foreign higher education and qualifications, and the tasks of the Ministry concerning the higher verification of documents under Section 87(1)(z).

(12) Where academic staff positions at military higher education institutions are held by active-duty soldiers and at police higher education institutions by members of the Police of the Czech Republic and other security forces in service, Sections 70 and 70a shall apply by analogy, with the provisions relating to employment relationships applying to service relationships, and the provisions concerning working hours applying to service time. Their service relationship remains unaffected. The staffing of other academic staff positions shall be governed by analogy by Section 77; academic staff shall be state employees, assigned to the relevant organisational unit of the state. During creative leave (sabbatical), an academic staff member shall be entitled to salary, and in the case of an academic staff member in service, to service income; sabbatical leave for members of the Police of the Czech Republic and other security forces in service is considered performance of service under a special legal regulation<sup>38</sup>).

(13) Students of military higher education institutions who are active-duty soldiers, and students of police higher education institutions who are members of the Police of the Czech Republic in service, shall be subject to the provisions of this Act unless otherwise provided by special regulations<sup>24)</sup>.

(14) The studies of active-duty soldiers at a military higher education institution may also be terminated if the soldier ceases to meet the conditions laid down by a special regulation for service as a professional soldier.

(15) Before taking a decision on accreditation under Sections 78 to 82 and 86 concerning military higher education institutions, the Accreditation Authority shall request the opinion of the Ministry of Defence; if the decision concerns police higher education institutions, the opinion of the Ministry of the Interior shall be requested. The opinion under the second sentence of Section 78(6), and Section 79(2)(g), and the authorisation under the third sentence of Section 78(7), shall not be issued for degree programmes of state higher education institutions by the Ministry or by the Ministry of Education, Youth and Sports, but solely by the Ministry of Defence in the case of military higher education institutions and by the Ministry of the Interior in the case of police higher education institutions.

(16) The Ministry shall consult with the Ministry of Defence and the Ministry of the Interior on the Ministry's plans and measures that significantly concern state higher education institutions.

## **PART SEVENTEEN**

### **SPECIAL POWERS OF HIGHER EDUCATION INSTITUTIONS IN ENSURING SECURITY**

#### **State of Emergency in Academic Operations**

##### **Section 95a**

(1) A higher education institution is authorised to declare a state of emergency in academic operations for a period not exceeding 60 days, for the reasons specified in paragraph 2, and with the prior consent of:

- a) the Ministry, in the case of a public or private higher education institution,
- b) the Ministry of the Interior, in the case of a police higher education institution, or
- c) the Ministry of Defence, in the case of a military higher education institution.

(2) A state of emergency in academic operations may only be declared due to a declared state of danger, state of emergency, state of threat to the state, or state of war, or due to a natural disaster, ecological or industrial accident, or incident, or any other extraordinary event or danger which threatens lives, health, or the operation of a higher education institution or its part to a significant extent, or for other reasons deserving special consideration.

(3) The state of emergency in academic operations may be extended, including

repeatedly, for a maximum of 60 days, with the prior consent of:

- a) the Ministry and the academic senate of the higher education institution, in the case of a public higher education institution,
- b) the Ministry, in the case of a private higher education institution,
- c) the Ministry of the Interior and the academic senate of the higher education institution, in the case of a police higher education institution, or
- d) the Ministry of Defence and the academic senate of the higher education institution, in the case of a military higher education institution.

(4) The state of emergency in academic operations shall be declared or extended by a measure issued by the rector of a public or state higher education institution or by the body of a private higher education institution performing the duties of the rector. Information on the declaration or extension of the state of emergency in academic operations shall be published without delay on the public section of the higher education institution's website.

(5) The Ministry, the Ministry of the Interior, or the Ministry of Defence shall decide on the granting of consent under paragraph 1 or 3 based on a request from the higher education institution. The only party to the proceedings is the higher education institution that requests consent for the declaration or extension of the state of emergency in academic operations.

#### Section 95b

During a state of emergency in academic operations, a higher education institution or its faculty is authorised to make adjustments, including for only a specific degree programme or faculty, in particular to:

- a) the published admission conditions under Section 49, to set a different date and method for verifying fulfilment of admission conditions, or a different form, general content, or criteria for the evaluation of the entrance examination, including the use of tools for remote communication,
- b) the possibility of conditional admission and enrolment without proof of completion of previous education under Section 48, including deferral of fulfilling this condition for up to 90 days from the date of enrolment; if the person affected by such an adjustment fails to prove fulfilment of the condition of previous education within the set deadline, the higher education institution or faculty shall decide that the admission and enrolment shall become void and ineffective on the day the decision on cancellation of the admission decision becomes final; no appeal may be lodged against this decision; this period is counted as part of the student's study period,
- c) the length and structure of the academic year,
- d) deadlines for fulfilling study obligations,
- e) exemption or waiver of fees under Section 48(7) and Section 58,

f) interruption of studies and the exclusion from the total duration of study interruption of the period affected in connection with the state of emergency in academic operations,

g) the exclusion of the study period falling within the duration of the state of emergency in academic operations (hereinafter referred to as the “disrupted study period”) from:

1. the duration of studies for the purpose of determining the study-related fee under Section 58(3),
2. the maximum duration of studies for the purpose of fulfilling study obligations, if such duration is set by the internal regulations of the higher education institution,
3. the maximum duration of studies for the purpose of awarding scholarships, if such duration is set by the internal regulations of the higher education institution, or
4. the standard length of studies for the purpose of awarding a scholarship under Section 91(5),

h) the use of tools for remote communication in teaching and in the verification of fulfilment of study obligations, regardless of the form of study,

i) the use of tools for remote communication during the state examination and the possibility of conducting it without public attendance, provided that an audiovisual recording is made of the examination and retained for 5 years; the recording shall only be provided by the higher education institution to a public authority in the exercise of its powers, and only upon request,

j) the use of tools for remote communication in the proceedings of the bodies of the higher education institution and its constituent parts, regardless of the provisions on conduct in the internal regulations of the higher education institution and its constituent parts, or

k) the use of electronic tools for conducting elections to the academic senate of the higher education institution or faculty, regardless of the provisions on the election procedure in the internal regulations of the higher education institution or faculty.

## **PART EIGHTEEN**

### **AMENDMENT TO ACT OF THE CZECH NATIONAL COUNCIL NO 586/1992 SB., ON INCOME TAX, AS AMENDED**

#### **Section 96**

Act of the Czech National Council No 586/1992 Sb., on Income Tax, as amended by Act of the Czech National Council No 35/1993 Sb., Act No 96/1993 Sb., Act No 157/1993 Sb., Act No 196/1993 Sb., Act No 323/1993 Sb., Act No 42/1994 Sb., Act No 85/1994 Sb., Act No 114/1994 Sb., Act No 259/1994 Sb., Act No 32/1995 Sb., Act No 87/1995 Sb., Act No 118/1995 Sb., Act No 149/1995 Sb., Act No 248/1995 Sb., Act No 316/1996 Sb., Act No 18/1997 Sb., Act No 151/1997 Sb., Act No 209/1997 Sb., Act No 210/1997 Sb. and Act No 227/1997 Sb., is amended as follows:

1. In Section 4(1)(k), the words “and from public higher education institutions” are inserted after the word “budget”.

2. In Section 18, a new paragraph 5 is inserted after paragraph 4, reading:

“(5) For taxpayers who are public higher education institutions, all income is subject to tax except income:

- a) from investment transfers,
- b) from interest on current account deposits.”.

3. In Section 18, the existing paragraphs 5 to 11 shall be renumbered as paragraphs 6 to 12.

4. In Section 18(7), the words “public higher education institutions” are inserted after the words “publicly beneficial companies”.

## **PART NINETEEN**

### **GENERAL, TRANSITIONAL AND FINAL PROVISIONS**

#### **Section 97**

(1) Everyone shall refrain from conduct capable of creating the false impression that they are authorised to provide higher education or that they are a higher education institution.

(2) Everyone shall refrain from issuing a certificate of graduation that creates a risk of confusion with a degree certificate/higher education diploma issued by a domestic higher education institution, and from conferring authorisation to use a title or its abbreviation that creates a risk of confusion with an academic degree conferred by a domestic higher education institution under this Act or with its abbreviation.

(3) In the territory of the Czech Republic, foreign higher education in a specific foreign degree programme may be provided only on the basis of domestic approval for the given programme under Sections 93b to 93e or domestic authorisation under Sections 93i to 93ic. Everyone shall refrain from conduct capable of creating the false impression that they are authorised to provide foreign higher education in a specific foreign degree programme in the territory of the Czech Republic.

(4) For the purposes of this Act, conduct capable of creating the false impression shall mean conduct likely to create such an impression in a person of average reason.

#### **Section 98**

(1) Fields of study in which higher education institutions, under the existing regulations, implement a substantively coherent part of higher education, higher education studies, and postgraduate studies, and which are listed in their statutes, shall become degree programmes under this Act and shall be accredited for a period of four years, as follows:

- a) a coherent part of higher education under Section 21 of Act No 172/1990 Sb., on Higher Education Institutions, shall be considered a bachelor's degree programme under this Act,

b) higher education studies under Section 18 of Act No 172/1990 Sb. shall be considered a master's degree programme under this Act,

c) postgraduate studies under Section 22 of Act No 172/1990 Sb. shall be considered a doctoral degree programme under this Act.

(2) Higher education institutions and faculties shall be authorised to award academic degrees under Section 46(5) only in fields in which they are permitted to implement postgraduate studies based on a decision of the Ministry under Section 41 of Act No 172/1990 Sb.

(3) Existing authorisations of higher education institutions and faculties to conduct habilitation procedures and procedures for the appointment of professors in designated fields shall expire on 1 July 1999. However, if the rector submits a request to the Ministry under Section 82(2) within this period, the existing authorisation to conduct habilitation procedures and procedures for the appointment of professors in the designated fields shall remain valid until the Ministry makes its decision.

#### Section 99

(1) The academic-scientific degree “doctor” and the title “bachelor” conferred under Act No 172/1990 Sb. shall be considered academic degrees “doctor” and “bachelor” under this Act.

(2) The academic degree “engineer” obtained under Section 21 of Act No 172/1990 Sb. by graduates of technical higher education institutions in the field of architecture shall be replaced by the academic degree “engineer architect” (abbreviated as “Ing. arch.”, used before the name). Upon request, the relevant higher education institution shall issue a certificate of replacement of the academic degree.

(3) The title “bachelor” obtained under Section 21 of Act No 172/1990 Sb. by graduates of a substantively coherent part of higher education at art higher education institutions shall be replaced by the academic degree “Bachelor of Arts” (abbreviated as “BcA.”, used before the name). Upon request, the relevant higher education institution shall issue a certificate of replacement of the academic degree.

(4) The academic degree “master” obtained under Section 21 of Act No 172/1990 Sb. by graduates of art higher education institutions shall be replaced by the academic degree “Master of Arts” (abbreviated as “MgA.”, used before the name). Upon request, the relevant higher education institution shall issue a certificate of replacement of the academic degree.

(5) Graduates of higher education institutions who obtained the academic degree “master” under Section 21(2) and Section 43(2) of Act No 172/1990 Sb., except for graduates referred to in paragraph 9, may take a state rigorous examination in the same field of study and obtain an academic degree under Section 46(5).

(6) Graduates of university-type higher education institutions who obtained the academic degree “master” in the field of economics under Section 21(2) of Act No 172/1990 Sb. may request that this degree be replaced with the academic degree “engineer” (abbreviated as “Ing.”). Upon request, the relevant higher education institution shall issue a certificate of

replacement of the academic degree.

(7) Academic degrees under Section 21(2) of Act No 172/1990 Sb. may also be used by graduates of military higher education institutions who completed their studies before the effective date of this Act, provided they were not awarded an academic degree, professional designation, or other graduate title under previous regulations. Upon request, the relevant higher education institution shall issue a certificate of conferment of the academic degree.

(8) The provisions of paragraph 7 shall not apply to graduates of the Military Political Academy (Vojenská politická akademie).

(9) Graduates of postgraduate studies who obtained the academic degree “master” and the academic-scientific degree “doctor” under Section 21(2), Section 43(2), and Section 22 of Act No 172/1990 Sb. shall be awarded academic degrees under Section 46(5) of this Act. Upon request, the relevant higher education institution shall issue a certificate of conferment of these academic degrees.

(10) Graduates of postgraduate studies who obtained the academic-scientific degree “doctor” under Section 22 of Act No 172/1990 Sb. may request the relevant higher education institution to replace the abbreviation “Dr.” with the abbreviation “Ph.D.”. Upon request, the relevant higher education institution shall issue a certificate of replacement of the degree abbreviation.

(11) Graduates of doctoral degree programmes in the field of theology who obtained the academic degree “Doctor of Theology” (abbreviated as “Th.D.”, used after the name) under Section 47(5) may request the relevant higher education institution to replace this degree with the academic degree “doctor” (abbreviated as “Ph.D.”, used after the name). Upon request, the relevant higher education institution shall issue a certificate of replacement of the academic degree.

(12) The academic degree “doctor” (abbreviated as “Ph.D.”, used after the name) shall be awarded to graduates of medical and veterinary studies who completed their studies under Section 22 of Act No 172/1990 Sb. Upon request, the relevant higher education institution shall issue a certificate of conferment of the academic degree.

## Section 100

(1) Scientific training leading to the conferment of the scientific degree “Candidate of Sciences” (abbreviated as “CSc.”) shall no longer be initiated after the date on which this Act enters into effect. Participants in scientific training who began it under previous regulations may complete it under those regulations, provided that the defence of candidate dissertations is concluded no later than 31 December 2001.

(2) Participants in scientific training may, upon their request, be admitted to study in a doctoral degree programme. In the admission process and during the course of study, account shall be taken of the scientific training already completed and any candidate examinations passed.

## Section 101

(1) Public higher education institutions are those listed in Annex 1; military and police higher education institutions are those listed in Annex 2.

(2) The higher education institutions referred to in paragraph 1 shall submit their internal regulations, adjusted in accordance with this Act, for registration by 1 July 1999.

(3) The validity of appointments or elections of academic officials and their terms of office shall not be affected by this Act.

(4) Students studying at the higher education institutions listed in Annex 1 and Annex 2 as of 1 January 1999 shall be students under this Act. Higher education institutions shall register these students in the Register of Students by 1 March 1999.

(5) As of 1 January 1999, the right of management over state property, which as of that date was managed by the higher education institutions listed in Annex 1, shall transfer to the Ministry. The Ministry may, in writing and upon agreement with the public higher education institution, decide on the transfer of such property into the ownership of the respective public higher education institution; at the request of the public higher education institution, such a decision shall always be made where the property is necessary for ensuring educational, scientific, research, development, artistic or other creative activities in the implementation of accredited degree programmes. The decision must include the name and registered office of the public higher education institution, a specification of the transferred property and liabilities relating to the property, and the date on which the property and associated liabilities are transferred to the public higher education institution. This decision is not subject to general regulations on administrative procedure.

(6) The property that, as of 1 January 1999, transferred to the Ministry's right of management under paragraph 5, and the proprietary assets of public higher education institutions, shall not be subject to general regulations governing insolvency and methods of its resolution.<sup>13)</sup>

(7) The rights and obligations of faculties that are part of the higher education institutions listed in Annex 1 and Annex 2 as of 1 January 1999 shall transfer to the respective higher education institution.

## Section 102

Academic degrees, professional designations, and other titles of higher education graduates awarded under previous regulations, with the exceptions specified in Section 99, shall remain unaffected. The scientific degrees "Candidate of Sciences" (abbreviated as "CSc.") and "Doctor of Sciences" (abbreviated as "DrSc.") awarded under previous regulations shall also remain unaffected.

## Section 103

(1) A newly established public higher education institution and a military or police higher education institution shall establish their bodies within two years of the date of their establishment. Until the establishment of the individual bodies referred to in Section 7, their powers shall be exercised, to the necessary extent, by persons authorised by the Minister.

(2) A newly established faculty shall establish its bodies within one year of the date of its establishment. Until the establishment of the individual bodies referred to in Section 25, their powers shall be exercised, to the necessary extent, by a person authorised by the rector.

(3) In the case of a newly established higher education institute, until the establishment of the individual bodies referred to in Section 34, their powers shall be exercised, to the necessary extent, by a person authorised by the rector.

#### Section 104

Until the appointment of the members, chair and vice-chair of the Accreditation Committee under Section 83, these roles shall be performed by the members of the Accreditation Committee established under Section 17 of Act No 172/1990 Sb. and Government Regulation of the Czech Republic No 350/1990 Sb., on the Accreditation Committee.

#### Section 105

Where, under this Act, the appointment or dismissal of a member of a body of a higher education institution or its constituent part is subject to the prior consent of another body of the higher education institution or its constituent part, the appointment or dismissal shall not take place without such consent.

#### Section 106

(1) The provisions of this Act shall apply unless an international treaty binding on the Czech Republic provides otherwise.

(2) For the purposes of this Act, a Member State of the European Union shall also be understood to include any other contracting party to the Agreement on the European Economic Area and the Swiss Confederation. The first sentence shall not apply to Section 39(7)(a) (part of the sentence following the semicolon), Section 93c(4)(a) (part of the sentence following the semicolon), and Section 93ia(4)(a) (part of the sentence following the semicolon); for the purposes of these provisions, the United Kingdom of Great Britain and Northern Ireland shall also be considered a Member State of the European Union.

(3) If a legal entity is a member of a governing or similar body of another legal entity, the provisions of this Act concerning a natural person who is a member of such a body shall apply by analogy to the natural person who represents the legal entity in the performance of the said membership function in the body.

#### Section 107

Public higher education institutions shall bring their property relations into compliance with this Act by 31 December 1999.

#### Section 108

### **Repealing Provisions**

(1) Points 5, 8 and 9 of Article I of Act No 216/1993 Sb., amending and supplementing Act No 172/1990 Sb., on higher education institutions, are hereby repealed.

(2) The following are hereby repealed:

1. Section 33 to 41, 43 and 45 of Act No 39/1977 Sb., on the training of new scientific staff and the further enhancement of the qualifications of scientific staff.

2. Act No 172/1990 Sb., on higher education institutions, as amended by Act No [216/1993 Sb.](#)

3. Act No [232/1992 Sb.](#), on police higher education institutions and on the establishment of the Police Academy.

4. [Article VI of Act of the Czech National Council No 26/1993 Sb.](#), amending and supplementing certain acts in the field of public order and security and on related measures.

5. Government Regulation of the Czech Republic No [350/1990 Sb.](#), on the Accreditation Commission.

6. Decree of the Ministry of Education and Culture No [96/1961 Sb.](#), issuing the statutes of institutes of national economic planning at the universities of economics in Prague and Bratislava, as amended by Decree of the Ministry of Education and Culture No 31/1963 Sb.

7. Decree of the Czechoslovak Academy of Sciences No 55/1977 Sb., on the further enhancement of qualifications and on the evaluation of the creative competence of scientific staff.

8. Decree of the Czech Commission for Academic Degrees No 144/1979 Sb., on the defence of candidate and doctoral dissertations by Czechoslovak citizens in the member states of the Council for Mutual Economic Assistance.

9. Decree of the Ministry of Education of the Czech Socialist Republic No 114/1980 Sb., on the granting of scholarships and allowances to students who, after graduating from residential secondary schools for working persons, study at higher education institutions.

10. Decree of the Ministry of Education, Youth and Sports of the Czech Socialist Republic No 60/1985 Sb., on supplementary studies by higher education students and graduates of higher and secondary schools for the acquisition of teaching qualifications.

11. Section 9 of Decree of the Ministry of Education of the Czech Socialist Republic No 61/1985 Sb., on the further education of teaching staff.

12. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No 365/1990 Sb., on the granting of scholarships at higher education institutions under the authority of the Ministry of Education, Youth and Sports of the Czech Republic (scholarship and bursary regulations).

13. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No

447/1990 Sb., on habilitation for associate professorships and the conditions and procedure for the appointment of professors.

14. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No 476/1990 Sb., on the recognition of diplomas and other certificates of study issued by foreign higher education institutions (nostrification).

15. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No 41/1991 Sb., on the material and financial support of students of higher education institutions sent to study abroad.

16. Decree of the Ministry of Education, Youth and Sports of the Czech Republic No 67/1991 Sb., on the granting of scholarships to postgraduate students, as amended by Decree of the Ministry of Education, Youth and Sports No 110/1995 Sb.

17. Directive of the Ministry of Education of the Czech Socialist Republic on the economic support of higher education students during their practical training, dated 30 May 1969, Ref. No 19 261/69-III/5, registered in Part 30/1969 Sb., as amended by the directive of the Ministry of Education of the Czech Socialist Republic dated 10 March 1970, Ref. No 12 300/70-III/5, registered in Part 10/1970 Sb.

18. Directive of the Ministry of Education of the Czech Socialist Republic on accommodation of higher education students in halls of residence, dated 20 July 1982, Ref. No 20 797/82-34, registered in Part 17/1982 Sb.

19. Directive of the Ministry of Education of the Czech Socialist Republic on the establishment, dissolution and operation of university canteens and buffets, dated 20 July 1982, Ref. No 20 798/82-34, registered in Part 17/1982 Sb., as amended by the directives of the Ministry of Education of the Czech Socialist Republic dated 16 July 1985, Ref. No 15 330/85-34, registered in Part 19/1985 Sb.

(3) The following are hereby repealed:

1. Act No 53/1964 Sb., on the awarding of scientific degrees and on the State Commission for Scientific Degrees.

2. Act No 39/1977 Sb., on the training of new scientific staff and the further enhancement of the qualifications of scientific staff.

3. Decree of the Czechoslovak Academy of Sciences No 53/1977 Sb., on the training of new scientific staff and on study stays, as amended by Decree of the Czechoslovak Academy of Sciences No 5/1986 Sb.

4. Decree of the Czechoslovak Academy of Sciences No 54/1977 Sb., regulating certain details concerning the labour-law relationships of participants in scientific training and study stays and the granting of scholarships, as amended by Decrees of the Czechoslovak Academy of Sciences Nos 40/1979 Sb., 125/1988 Sb. and 393/1992 Sb.

5. Decree of the Czech Commission for Academic Degrees No 64/1977 Sb., on procedures for the awarding of scientific degrees, as amended by Decree of the Czech

Commission for Academic Degrees No 187/1990 Sb.

Section 109

**Entry into Effect**

This Act enters into effect on 1 July 1998, with the exception of Sections 1 to 82, Sections 84 to 99, Sections 101 to 107, and Section 108(2), which enter into effect on 1 January 1999, and Section 108(3), which enters into effect on 31 December 2001.

**Zeman, signed**

**Havel, signed**

**Tošovský, signed**

**Annex 1**

**Public higher education institutions in the Czech Republic:**

Charles University

Palacký University Olomouc

Czech Technical University in Prague

VSB – Technical University of Ostrava

Academy of Fine Arts in Prague

Brno University of Technology

University of Veterinary Sciences Brno

Masaryk University

Mendel University in Brno

Academy of Performing Arts in Prague

Academy of Arts, Architecture and Design in Prague

Janáček Academy of Performing Arts

University of Pardubice

University of Chemistry and Technology, Prague

Czech University of Life Sciences Prague

Technical University of Liberec

Prague University of Economics and Business

University of Hradec Králové

University of South Bohemia in České Budějovice

University of Ostrava

Silesian University in Opava

Jan Evangelista Purkyně University in Ústí nad Labem

University of West Bohemia in Pilsen

Tomas Bata University in Zlín

College of Polytechnics Jihlava

Institute of Technology and Business in České Budějovice

#### **Annex 2**

##### **Military higher education institution:**

University of Defence

##### **Police higher education institution:**

Police Academy of the Czech Republic in Prague

#### **Annex 3**

##### **List of fields of study**

1. Architecture and Urbanism
2. Security Fields
3. Biology, Ecology and the Environment
4. Transport
5. Economic Fields
6. Electrical Engineering
7. Energy Engineering
8. Pharmacy
9. Philology

10. Philosophy, Religious Studies and Theology
11. Physics
12. Historical Sciences
13. Chemistry
14. Informatics
15. Cybernetics
16. Forestry and Wood Sciences
17. Mathematics
18. Media and Communication Studies
19. Non-teaching Pedagogy
20. Political Science
21. Food Sciences
22. Law
23. Psychology
24. Social Work
25. Sociology
26. Construction Engineering
27. Mechanical Engineering, Technologies and Materials
28. Physical Education and Sport; Kinanthropology
29. Mineral Resource Extraction and Processing
30. Teacher Education
31. Art
32. Arts and Cultural Sciences
33. Earth Sciences
34. Veterinary Medicine, Veterinary Hygiene

35. General Medicine and Dentistry

36. Healthcare Fields

37. Agriculture

### **Selected Provisions of the Amendments**

Article III of Act No 147/2001 Sb.

#### **Transitional Provisions**

1. Accreditations of degree programmes granted under the existing Higher Educational Act shall remain unaffected by this Act. However, applicants may only be admitted to accredited master's degree programmes until 31 December 2003, unless the rector or the authority exercising the powers of the rector submits to the Ministry of Education, Youth and Sports a request for accreditation or its extension or expansion under Section 79 or Section 80(2) and (3) of the existing Higher Educational Act within this period; if such a request is submitted, the granted accreditation shall remain valid until the Ministry of Education, Youth and Sports issues its decision.

2. Habilitation procedures and procedures for the appointment of professors initiated before the entry into effect of this Act may be completed under the existing Higher Educational Act no later than 31 December 2002.

Article V of Act No 121/2004 Sb.

#### **Transitional Provisions**

1. Higher education institutions are obliged to submit to the Ministry of Education, Youth and Sports a request for accreditation of the healthcare master's degree programme in dentistry within 30 days from the effective date of this Act. The content and scope of the new degree programme in dentistry must comply with the minimum requirements set out by a specific legal regulation and be in accordance with European Community law.<sup>1)</sup> Students may be admitted to the existing healthcare master's degree programme in stomatology for the last time for the academic year 2003/2004. For the academic year 2004/2005, students shall be admitted only to the healthcare master's degree programme in dentistry. Students admitted to the existing healthcare master's degree programme in stomatology may complete their studies under the healthcare master's degree programme in dentistry.

2. Higher education institutions are obliged to submit to the Ministry of Education, Youth and Sports a request for accreditation of the healthcare master's degree programme in pharmacy (hereinafter referred to as the “new degree programme in pharmacy”) within 30 days from the effective date of this Act. The content and scope of the new degree programme in pharmacy must comply with the minimum requirements set out by a specific legal regulation and be in accordance with European Community law.<sup>2)</sup> Students may be admitted to the existing healthcare master's degree programme in pharmacy for the last time for the academic year 2003/2004. For the academic year 2004/2005, students shall be admitted only to the new degree programme in pharmacy. Students admitted to the existing healthcare master's degree programme in pharmacy may complete their studies under the new degree programme in

pharmacy.

3. Higher education institutions are obliged to submit to the Ministry of Education, Youth and Sports a request for accreditation of bachelor's degree programmes for the training of general nurses and bachelor's degree programmes for the training of midwives within 30 days from the effective date of this Act. The content and scope of the new degree programmes must comply with the minimum requirements set out by a specific legal regulation and be in accordance with European Community law.<sup>3)</sup> Students may be admitted to the existing healthcare bachelor's degree programmes for the training of general nurses and midwives for the last time for the academic year 2003/2004. For the academic year 2004/2005, students shall be admitted only to the new degree programmes for the training of general nurses and midwives. Students admitted to the existing healthcare bachelor's degree programmes for the training of general nurses and midwives may complete their studies under the new degree programmes.

1) Council Directive 78/687/EEC of 25 July 1978 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of dental practitioners.

2) Council Directive 85/432/EEC of 16 September 1985 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of certain activities in the field of pharmacy.

3) Council Directive 80/155/EEC of 21 January 1980 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action relating to the taking up and pursuit of the activities of midwives. Council Directive 77/453/EEC of 27 June 1977 concerning the coordination of provisions laid down by Law, Regulation or Administrative Action in respect of the activities of nurses responsible for general care.

Article II of Act No 552/2005 Sb.

### **Transitional Provisions to Article I**

1. Legal entities shall align their names with this Act no later than by 31 December 2007.

2. Legal acts carried out before the entry into effect of this Act by a body of a public higher education institution or a body of a component of a public higher education institution under the existing Higher Educational Act shall remain unaffected by this Act.

3. The assessment of study-related fees under the existing Higher Educational Act made by a higher education institution before the entry into effect of this Act shall remain unaffected by this Act.

4. For degree programmes valid as of the effective date of this Act, where the validity was granted for the maximum permissible period at the time the accreditation was granted, and the accreditation was granted without additional restrictive conditions, the Ministry shall extend the accreditation for the period specified by this Act, provided the higher education institution submits a written request within two months of the entry into effect of this Act.

5. Accreditations of habilitation procedures or procedures for the appointment of professors in the relevant field shall remain unaffected by this Act, except for accreditations for

which no duration was set; the accreditation of such fields shall expire on 31 December 2015.

6. A person who began to perform the function of rector or dean on the basis of an appointment before the entry into effect of this Act shall be deemed to have performed or to be performing the function on the basis of an appointment under the new legal regulation. However, the length of the term of office for which the appointment was made before the entry into effect of this Act shall be assessed according to the previous legal regulation.

Article IV of Act No 624/2006 Sb.

### **Transitional Provision to Article III**

Act No 111/1998 Sb., on higher education institutions and amending and supplementing certain acts (the Higher Educational Act), as amended, shall be applied for the first time, in the wording of this Act, to the 2006 budgetary year.

Article VI of Act No 110/2009 Sb.

### **Transitional Provision**

The establishment, duration, changes and termination of the employment relationship of an academic staff member agreed before the entry into effect of this Act shall be governed by the existing legal regulations.

Article X of Act No 365/2011 Sb.

Fixed-term employment relationships under Section 70(4) of Act No 111/1998 Sb., as in effect before the entry into effect of this Act, shall remain governed by the existing legal regulations until their termination.

Article II of Act No 137/2016 Sb.

### **Transitional Provisions**

1. Internal regulations revised in accordance with Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, shall be submitted by the higher education institution to the competent ministry for registration no later than 1 year from the date of entry into effect of this Act. Until the date of registration of the statute of a public higher education institution or its amendment, revised and submitted for registration pursuant to the first sentence and newly defining the scope of the faculty's authority to decide or act on behalf of the public higher education institution, the existing scope of the faculty's authority, arising from the valid statute and Act No 111/1998 Sb., as in effect prior to the entry into effect of this Act, shall remain unaffected.

2. The academic titles “associate professor” and “professor” obtained in the Slovak Republic during the period from 1 January 1993 until the expiry of the Agreement between the Government of the Czech Republic and the Government of the Slovak Republic on the Mutual Recognition of Equivalence of Education Documents Issued in the Czech Republic and the Slovak Republic, signed in Prague on 23 March 2001, shall be considered equivalent to the titles “associate professor” and “professor” obtained in the same period in the Czech Republic.

3. Accredited degree programmes carried out by higher education institutions under existing legal regulations as of the last day prior to the entry into effect of this Act shall, from the date of entry into effect of this Act, be considered degree programmes accredited under Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, and shall be accredited for the specified period, but at least until 31 December 2024; the existing structure of these degree programmes into fields of study shall remain preserved during this period. Measures adopted on the basis of Section 85(2)(a) and (b) of Act No 111/1998 Sb., as in effect prior to the entry into effect of this Act, shall remain in effect for the above-mentioned degree programmes; in case of their cancellation or when setting out measures by the National Accreditation Bureau for Higher Education, the provisions of Sections 83c and 86(2) and (9) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, shall apply with the necessary modifications. However, after the date of entry into effect of this Act, it shall no longer be possible to request accreditation for expanding the said degree programme with a new field of study, nor to expand the said degree programme carried out by the higher education institution within the field of study for which the higher education institution holds institutional accreditation under Sections 81a and 81b of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, by a new field of study.

4. Where existing legal regulations governing professional competence for the pursuit of a profession or activity stipulate requirements concerning the study of, or graduation from, a particular field of study or a particular field of study within a degree programme, such requirements shall be deemed fulfilled even if the corresponding study was carried out or completed within the relevant new degree programme accredited or carried out under Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, which is not structured into fields of study.

5. The authorisation of a higher education institution or its component to conduct habilitation procedures or procedures for the appointment of professors under existing legal regulations, held as of the last day prior to the entry into effect of this Act, shall, from the date of entry into effect of this Act, become an authorisation to conduct habilitation procedures or procedures for the appointment of professors accredited under Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, for a specified period, but at least for a period of 3 years from the date of entry into effect of this Act. Measures adopted on the basis of Section 85(3) of Act No 111/1998 Sb., as in effect prior to the entry into effect of this Act, shall remain in effect.

6. The Ministry of Education, Youth and Sports shall launch the register of higher education institutions and delivered degree programmes and the register of proceedings on applications for recognition of foreign higher education and qualifications by 1 January 2017.

7. The provision of Section 72(16) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, shall not apply to habilitation procedures initiated before the date of entry into effect of this Act.

8. The provision of Section 74(10) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, shall not apply to procedures for the appointment of professors initiated before the date of entry into effect of this Act.

9. Administrative proceedings concerning accreditations or state approval that have not

been finally concluded prior to the date of entry into effect of this Act shall be completed pursuant to Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act.

10. The appointment of the Chair, Vice-Chairs and other members of the Board of the National Accreditation Bureau for Higher Education for a term of office beginning on or after the date of entry into effect of this Act may, in accordance with the procedures set out in Act No 111/1998 Sb., as in effect on the date of entry into effect of this Act, take place even before the date of entry into effect of this Act, but not earlier than 1 July 2015.

11. Upon the first appointment of members of the Board of the National Accreditation Bureau for Higher Education, the government shall, from among those proposed for a six-year term of office, designate five members, excluding the Chair of the Board of the National Accreditation Bureau for Higher Education, whose term shall end after 2 years, and five members, excluding the Chair, whose term shall end after 4 years.

12. For the purposes of the second sentence of Section 83b(2) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, the term of office of a member of the Accreditation Commission appointed under Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, shall also be considered a term of office of a member of the Board of the National Accreditation Bureau for Higher Education.

13. If this Act enters into effect, even partially, before 31 July 2016, the term of office of existing members of the Accreditation Commission appointed pursuant to Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, whose term would otherwise end after the entry into effect of at least part of this Act, shall end on the last day before the beginning of the term of office of members of the Board of the National Accreditation Bureau for Higher Education appointed pursuant to Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act.

14. The Ministry of Education, Youth and Sports shall revise the existing register of associate professors and professors employed at public and private higher education institutions in accordance with Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, within 1 year from the date of entry into effect of this Act.

15. The provision of Section 90a of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, shall not apply to proceedings concerning the recognition of foreign higher education and qualifications initiated before the date of entry into effect of this Act.

16. If a foreign higher education institution or a Czech legal entity was providing foreign higher education within a foreign higher education degree programme on the territory of the Czech Republic on the date of entry into effect of this Act, it shall bring its activities into compliance with Sections 93a to 93i of Act No 111/1998 Sb., as in effect on the date of entry into effect of this Act, within 13 months from the date of entry into effect of this Act.

17. The name of the public higher education institution “Univerzita Karlova v Praze” shall be replaced by the name “Univerzita Karlova”. The name of the public higher education institution “Ostravská univerzita v Ostravě” shall be replaced by the name “Ostravská univerzita”.

## **Transitional Provisions**

1. Applicants may only be admitted to degree programmes which, prior to the date of entry into effect of this Act, were accredited pursuant to Article II(4) of Act No 137/2016 Sb., as in effect from the date of entry into effect of Act No 137/2016 Sb., for a period of 3 years from the date of entry into effect of Act No 137/2016 Sb., until 31 December 2019.

2. Applicants may only be admitted to degree programmes which, prior to the date of entry into effect of this Act, were accredited pursuant to Article II(4) of Act No 137/2016 Sb., as in effect from the date of entry into effect of Act No 137/2016 Sb., for a period exceeding 3 years from the date of entry into effect of Act No 137/2016 Sb., as specified in the respective decision on the granting, extension or expansion of accreditation issued under the Higher Educational Act prior to the date of entry into effect of Act No 137/2016 Sb. (hereinafter referred to as the “specified period”), before the expiry of the specified period determined by said decision.

3. Existing measures adopted in relation to the degree programmes referred to in points 1 and 2 prior to the date of entry into effect of this Act on the basis of Section 85(2)(a) and (b) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of Act No 137/2016 Sb., or based on the appropriate application of the provisions of Sections 83c and 86(2) and (9) of Act No 111/1998 Sb., as in effect from the date of entry into effect of Act No 137/2016 Sb., shall remain unaffected by points 1 and 2; if the existing corrective measure consists in a prohibition on admitting applicants to the degree programme, such a restriction of accreditation shall apply concurrently with point 1 or 2. Points 1 and 2 shall also not affect the authority of the National Accreditation Bureau for Higher Education to cancel the measures referred to in the first sentence or to establish new measures, using the provisions of Sections 83c and 86(2) and (9) of Act No 111/1998 Sb., as in effect from the date of entry into effect of Act No 137/2016 Sb., as appropriate; however, the prohibition on admitting applicants to the degree programme as set out in point 1 or 2 shall always apply regardless of the content of any corrective measure or the possible cancellation of such a measure.

Article XXXVII of Act No 349/2023 Sb.

### **Transitional Provision**

The financial resources held in the account of the social fund prior to the date of entry into effect of this Act shall be used in accordance with Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act.

Article X of Act No 35/2025 Sb.

### **Transitional Provision**

The financial resources held in the account of the social fund prior to the date of entry into effect of this Act shall be used in accordance with Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act.

Article II of Act No 52/2025 Sb.

## **Transitional Provisions**

1. A legal entity shall align its name with Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, within 1 year of that date.

2. A higher education institution shall submit its internal regulations, revised in accordance with Act No 111/1998 Sb. as in effect from the date of entry into effect of this Act, to the competent ministry for registration no later than 1 year from that date. The higher education institution shall bring the internal regulations of its constituent parts into compliance with Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, within 2 years of that date.

3. A legal entity that, on the day immediately preceding the date of entry into effect of this Act, was a private higher education institution shall be subject to Section 39(1) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act.

4. Proceedings on an application for the granting of state approval to operate as a private higher education institution that have not been finally concluded before the date of entry into effect of this Act shall be completed – and the related rights and obligations assessed – under Sections 39 and 39a of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act.

5. A legal entity that is a private higher education institution on the date of entry into effect of this Act, or that obtains state approval in the proceedings under point 4, shall, no later than 1 year from that date (or from obtaining the approval), align the composition of its governing or other equivalent body with the requirement of integrity and trustworthiness of its members pursuant to Section 39a of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act; failing this, the Ministry of Education, Youth and Sports may withdraw the state approval.

6. The obligations of a higher education institution under Section 44(9) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, shall not apply to degree programmes that were approved by the institution for delivery on the basis of institutional accreditation or were accredited prior to the date of entry into effect of this Act.

7. The regular completion of studies of a student who enrolled in a degree programme and whose first teaching period within that study commenced before the date of entry into effect of this Act shall be governed by Section 45(3), Section 46(3) or Section 47(4) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act.

8. The change in the method of regular completion of studies in degree programmes shall apply to: a student who enrolls in a degree programme approved for delivery on the basis of institutional accreditation or accredited prior to the date of entry into effect of this Act after that date; and a student who enrolled in such a degree programme before that date and whose first teaching period within that study began on or after the date of entry into effect of this Act; in accordance with Section 45(3), Section 46(3) or Section 47(4) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act. The existing authorisation to deliver degree programmes approved on the basis of institutional accreditation, and accreditations of degree programmes granted prior to the date of entry into effect of this Act, are not affected by the change in the method of regular completion of studies.

9. Printed copies of bachelor's, diploma, dissertation and rigorous theses sent to the Ministry of Education, Youth and Sports for archiving in accordance with the final sentence of Section 47b(4) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, shall be returned by the Ministry of Education, Youth and Sports to the higher education institutions from which they were received, within 1 year from the date of entry into effect of this Act.

10. A decision on the assessment of a study-related fee, issued under Section 58(3) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, in proceedings that were finally concluded before the date of entry into effect of this Act, shall not be affected by the final sentence of Section 58(3) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act. In proceedings conducted under Section 58(3) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, which were not finally concluded before that date, as well as in proceedings conducted under Section 58(3) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, the provision of Section 58(3) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, shall apply. When determining degree programmes of the same type under the final sentence of Section 58(3) of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, studies that were duly completed, even if they were commenced or completed before that date, shall also be taken into account.

11. Where an existing internal regulation, measure, or agreement of a private higher education institution refers to a study-related fee as a “fee”, this shall be understood, in the case of a private higher education institution, as a “payment”. Existing claims concerning a study-related fee at a private higher education institution shall not be affected by the replacement of the word “fee” with “payment”.

12. Ongoing studies in an internationally recognised course conducted under Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, and commenced before that date, shall be completed in accordance with Section 60a of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act.

13. An academic staff member who is employed by a higher education institution on the basis of an employment or service relationship and who was an academic staff member of that institution on the day preceding the date of entry into effect of this Act shall, with regard to their concurrent employment or service relationship established before that date, fulfil the information obligation under Section 70(5), or under Section 70(5) in conjunction with Section 95(11), of Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, within 1 month from that date.

14. The Ministry of Education, Youth and Sports shall revise the existing register of associate professors, professors and extraordinary professors of higher education institutions in accordance with Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, within 1 year from that date.

15. Proceedings on applications for recognition of foreign higher education, or a part thereof, or of individual examinations in the Czech Republic under Section 89 of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, which have not been finally concluded before that date, shall be completed, and the related rights and obligations

assessed, under Sections 89 to 90a of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act.

16. The shortening of the validity period of the certificate issued by the body of state social support on family income for the purpose of awarding a scholarship, from 24 months to 11 months after the end of the quarter for which the family income was assessed, shall not apply to proceedings concerning scholarships that were initiated before the date of entry into effect of this Act.

17. The provision of Section 91a of Act No 111/1998 Sb., as in effect from 1 September 2025, shall not apply to a student of a doctoral degree programme who enrolled in the given degree programme and whose first period of instruction within that study commenced before 1 September 2025. When assessing whether it is the first study in a doctoral degree programme pursuant to Section 91a(3) of Act No 111/1998 Sb., as in effect from 1 September 2025, studies conducted before that date shall also be taken into account.

18. A legal entity which, on the last day prior to the date of entry into effect of this Act, was providing, in the territory of the Czech Republic, foreign higher education within a foreign higher education degree programme or programmes pursuant to Section 93a(2) and Section 93b(1) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, shall be authorised to continue providing such education under Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, until the acquisition of domestic approval to provide foreign higher education in a foreign higher education degree programme in the Czech Republic for the respective programme or programmes pursuant to Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, but for no longer than 3 years from that date. After the expiry of the 3-year period, such a legal entity may continue to provide said education under the conditions set out in Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, solely for the purpose of enabling current students, who commenced their studies prior to the date of entry into effect of this Act, to complete their studies, with the proviso that no new applicants may be admitted to the relevant programmes carried out pursuant to Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act. For the duration of such continued education, the legal entity shall be subject to Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, as regards the continuing education and the related rights, obligations and procedures.

19. A Czech legal entity which, on the last day prior to the date of entry into effect of this Act, was providing, in the territory of the Czech Republic, foreign higher education in a foreign higher education degree programme or programmes of a European foreign higher education institution pursuant to Section 93a(4) and Section 93d(1) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, shall be authorised to continue providing such education under Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, until the acquisition of domestic authorisation to provide foreign higher education in a foreign higher education degree programme in the Czech Republic for the respective programme or programmes pursuant to Act No 111/1998 Sb., as in effect from the date of entry into effect of this Act, but for no longer than 3 years from that date. After the expiry of the 3-year period, such a legal entity may continue to provide said education under the conditions set out in Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, solely for the purpose of enabling current students, who commenced their studies prior to the date of entry into effect of this Act, to complete their studies, with the proviso that no new applicants may be admitted to the relevant programmes carried out pursuant to Act No 111/1998 Sb., as in

effect prior to the date of entry into effect of this Act. For the duration of such continued education, the legal entity shall be subject to Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, as regards the continuing education and the related rights, obligations and procedures.

20. The authorisation of a legal entity to provide, on the basis of domestic authorisation under Section 93a(3) and Section 93f of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, foreign higher education in a foreign higher education degree programme or programmes in the Czech Republic, which was granted before the date of entry into effect of this Act, shall remain unaffected by this Act and shall continue until the expiry of the period for which the domestic authorisation was granted or until its withdrawal.

21. The authorisation of a Czech legal entity to provide, on the basis of domestic authorisation under Section 93a(5) and Section 93h of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, foreign higher education in a foreign higher education degree programme or programmes of a non-European foreign higher education institution in the Czech Republic, which was granted before the date of entry into effect of this Act, shall remain unaffected by this Act and shall continue until the expiry of the period for which the domestic authorisation was granted or until its withdrawal.

22. The Ministry of Education, Youth and Sports may withdraw the domestic approval of a legal entity referred to in point 20 and the domestic authorisation of a legal entity referred to in point 21 in accordance with Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act.

23. Section 93j of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, shall apply to studies in foreign higher education degree programmes if the decision of the Ministry of Education, Youth and Sports under the Act on State Social Support or the Act on Pension Insurance concerns a period of study before the date of entry into effect of this Act or a period of study carried out in foreign higher education degree programmes pursuant to points 18, 19, 20 or 21.

24. Section 95(4) of Act No 111/1998 Sb., as in effect prior to the date of entry into effect of this Act, shall apply until the expiry of the accreditation period to degree programmes implemented by higher education institutions on the last day prior to the date of entry into effect of this Act and accredited based on an application submitted under Section 95(4) of Act No 111/1998 Sb., in that same wording.

25. Ongoing administrative proceedings concerning accreditations conducted by the National Accreditation Bureau for Higher Education under Act No 111/1998 Sb., as in effect prior to 1 July 2025, which have not been finally concluded by 30 June 2025, shall be completed by the National Accreditation Bureau for Tertiary Education established under Act No 111/1998 Sb., as in effect from 1 July 2025.

26. A civil servant who, as of 30 June 2025, was serving in the Ministry of Education, Youth and Sports in a civil service post assigned to the Office of the National Accreditation Bureau for Higher Education and whose service relationship was to continue beyond 30 June 2025, shall be transferred on 1 July 2025 from civil service to an employment relationship with the National Accreditation Bureau for Tertiary Education established under Act No 111/1998 Sb., as in effect from 1 July 2025, unless they submit written notice of dissent to the Ministry

of Education, Youth and Sports by 30 June 2025.

27. An employee of the Czech Republic who, as of 30 June 2025, was employed at the Ministry of Education, Youth and Sports under a basic labour-law relationship in a post assigned to the Office of the National Accreditation Bureau for Higher Education, and whose labour-law relationship was to continue beyond 30 June 2025, shall be transferred on 1 July 2025 to the same type of basic labour-law relationship with the National Accreditation Bureau for Tertiary Education established under Act No 111/1998 Sb., as in effect from 1 July 2025.

28. The existing membership of natural persons in the Board of the National Accreditation Bureau for Higher Education, including the position of Chair of the National Accreditation Bureau for Higher Education, and the membership of natural persons in the Appeals Committee of the National Accreditation Bureau for Higher Education shall expire on 30 June 2025. The existing membership of natural persons in evaluation committees of the National Accreditation Bureau for Higher Education shall not be affected by this Act.

29. The appointment of the Chair and other members of the Board of the National Accreditation Bureau for Tertiary Education and the members of the Appeals Committee of the National Accreditation Bureau for Tertiary Education for terms of office beginning on or after 1 July 2025 may take place even prior to 1 July 2025, and the deadline for announcing the selection procedure for the Chair shall not apply. In the first appointment of members of the Board of the National Accreditation Bureau for Tertiary Education under Act No 111/1998 Sb., as in effect from 1 July 2025, the government shall designate, from among the members – excluding the Chair, one member nominated by an association of regions with national competence, and one student member – four members whose first term shall be for two years and four members whose first term shall be for four years; these persons may subsequently be reappointed for up to two immediately consecutive six-year terms.

30. The settlement of private-law claims and obligations of the Czech Republic arising up to 30 June 2025 from the activities of the National Accreditation Bureau for Higher Education under Act No 111/1998 Sb., as in effect prior to 1 July 2025, shall be carried out by the Ministry of Education, Youth and Sports, unless an agreement is reached with the National Accreditation Bureau for Tertiary Education on their transfer to that Bureau, established under Act No 111/1998 Sb., as in effect from 1 July 2025. Points 26 and 27 shall not be affected by the first sentence.

31. Movable property of the Czech Republic used to materially support the activities of the National Accreditation Bureau for Higher Education, as identified in the transfer protocol drawn up by the Ministry of Education, Youth and Sports and the National Accreditation Bureau for Higher Education, shall be transferred to the ownership of the National Accreditation Bureau for Tertiary Education established under Act No 111/1998 Sb., as in effect from 1 July 2025, as of that same date.

32. 32. The first budget of the National Accreditation Bureau for Tertiary Education, established under Act No 111/1998 Sb., as in effect from 1 July 2025, for the period from 1 July 2025 to 31 December 2025, shall be approved by the government before 1 July 2025 on the proposal of the Ministry of Education, Youth and Sports; the budget must comply with Section

83h(2) and (3) of Act No 111/1998 Sb., as in effect from 1 July 2025.

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1) Section 5(3) of Act No 424/1991 Sb., on association in political parties and political movements, as amended by Act No 117/1994 Sb.

2) Section 26(2) of Act of the Czech National Council No 586/1992 Sb., on income taxes, as amended.

3) Section 1(2)(a) and Section 2(3) of Act No 526/1990 Sb., on prices, as amended.

4) Section 203(1) of the Labour Code.

5) Sections 156 et seq. of the Labour Code.

6) For example, Act No 40/2009 Sb., the Criminal Code, as amended, Act No 89/2012 Sb., the Civil Code, and Act No 90/2012 Sb., on commercial companies and cooperatives (the Act on Business Corporations).

7) Section 18(2) of Act No 1/1992 Sb., on wages, compensation for standby duty, and on average earnings.

7a)

Act on the support of research and development.

Government Regulation No 462/2002 Sb., on institutional support for research and development from public funds and on the evaluation of research plans, as amended by Government Regulation No 28/2003 Sb.

Government Regulation No 461/2002 Sb., on targeted support for research and development from public funds and on public tenders in research and development.

8) Section 7(1)(t) of Act No 218/2000 Sb., on budgetary rules and amending certain related acts (Budgetary Rules), as amended.

8a) Section 10(2) of Act No 218/2000 Sb., as amended.

8b) Sections 12 and 13 of Act No 218/2000 Sb., as amended.

8c) Communication of the Czech Statistical Office No 321/2003 Sb., on the introduction of the Classification of Types of Construction CZ-CC.

8d) Act No 218/2000 Sb., as amended.

8e) Act No 130/2002 Sb., on the support of research and development from public funds and on the amendment of certain related acts (the Act on the Support of Research and Development), as amended.

Government Regulation No 461/2002 Sb., on targeted support for research and development from public funds and on public tenders in research and development.

Government Regulation No 462/2002 Sb., on institutional support for research and development from public funds and on the evaluation of research plans, as amended by Government Regulation No 28/2003 Sb.

9) Act No 563/1991 Sb., on accounting, as amended.

9a) Act No 586/1992 Sb., on income taxes, as amended.

10) For example, Act No 563/1991 Sb., on accounting, as amended.

11) Act No 37/1995 Sb., on non-periodical publications.

11a) Sections 195 to 198 of Act No 262/2006 Sb., the Labour Code, as amended.

13) Act No 182/2006 Sb., on insolvency and methods of its resolution (the Insolvency Act), as amended.

14) For example, Act No 248/1995 Sb., Act No 513/1991 Sb., as amended.

15a) Section 10 of Act No 89/1995 Sb., on the state statistical service, as amended.

15b) Sections 195, 197 and 198 of Act No 262/2006 Sb., the Labour Code, as amended.

16) Section 2(r) of Act No 352/2001 Sb., on the use of state symbols of the Czech Republic and amending certain acts.

18) Sections 132 to 138 and Section 150 of the Labour Code.

19a) Act No 18/2004 Sb., on the recognition of professional qualifications and other competence of nationals of Member States of the European Union and certain nationals of other states and on the amendment of certain acts (the Act on the Recognition of Professional Qualifications), as amended.

19b) Section 45(1) of Act No 96/2004 Sb., on the conditions for obtaining and recognising qualifications for the performance of non-medical health professions and for the performance of activities related to the provision of healthcare and on the amendment of certain related acts (the Act on Non-Medical Health Professions), as amended by Act No 189/2008 Sb.

20) Act of the Czech National Council No 552/1991 Sb., on state control, as amended by Act No 166/1993 Sb.

20a) Act No 40/2004 Sb., on public procurement, as amended.

21a) Act No 325/1999 Sb., on asylum and on the amendment of Act No 283/1991 Sb., on the Police of the Czech Republic, as amended (the Asylum Act), as amended.

Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

22) For example, Decree of the Ministry of Health of the Czech Republic No 394/1991 Sb., on the status, organisation and activities of faculty hospitals and other hospitals, selected specialised medical institutions and regional public health authorities under the managing authority of the Ministry of Health of the Czech Republic.

22a) Act No 361/2003 Sb., on the service relationship of members of security corps.

24) Defence Act No 92/1949 Sb., as amended. Act No 76/1959 Sb., on certain service relations of soldiers, as amended. Decree of the Ministry of Defence of the Czech Republic No 113/1996 Sb., implementing certain provisions of Act No 76/1959 Sb., on certain service relations of soldiers, as amended.

Act of the Czech National Council No 186/1992 Sb., on the service relationship of members of the Police of the Czech Republic, as amended. Decree of the Ministry of Defence of the Czech Republic No 7/1996 Sb., on monetary and in-kind entitlements of soldiers in active service and students of military schools who are not soldiers, as amended by Decree of the Ministry of Defence of the Czech Republic No 310/1996 Sb.

27) Act No 269/1994 Sb., on the Criminal Register, as amended.

29) Sections 796, 824, 826, 928, 953 and 958 of the Civil Code.

30) Section 7(10) of Act No 117/1995 Sb., on state social support, as amended.

31) For example, Act No 121/2000 Sb., on copyright, on rights related to copyright and on amendments to certain acts (the Copyright Act), as amended, Act No 412/2005 Sb., on the protection of classified information and on security clearance, Sections 504, 2976 and 2985 of the Civil Code.

32) Section 31 of Act No 121/2000 Sb., as amended.

33) Act No 150/2002 Sb., the Code of Administrative Procedure, as amended.

34) Act No 634/2004 Sb., on administrative fees, as amended.

35) Act No 95/2004 Sb., on the conditions for obtaining and recognising professional competence and specialised competence for the practice of the medical profession of doctor, dentist and pharmacist, as amended.

Act No 96/2004 Sb., as amended.

Act No 85/1996 Sb., on advocacy, as amended.

Act No 120/2001 Sb., on judicial executors and enforcement activities (the Enforcement Code) and on the amendment of other acts, as amended.

- 36) Act No 219/1999 Sb., on the Armed Forces of the Czech Republic, as amended.
- 37) Section 52 of Act No 222/1999 Sb., on ensuring the defence of the Czech Republic, as amended.
- 38) Act No 361/2003 Sb., on the service relationship of members of security corps, as amended.
- 39) Article I of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, promulgated under No 60/2000 in the Collection of International Treaties.