

Directive issued by the Rector
no. 236/2016

REGULATIONS ON NOSTRIFICATION AT THE UNIVERSITY OF
OSTRAVA

Article 1
Introductory provisions

- (1) Nostrification is the process of recognizing foreign higher education (or a part of it) and qualifications as equivalent to education received in the Czech Republic.
- (2) The recognition of education and qualifications received by studying at a foreign higher education institution is governed by Czech legislation, especially Act no. 111/1998 Sb. (see Sections 89–90b and Section 106) on higher education institutions, as amended; Act no. 500/2004 Sb., the Code of Administrative Procedure, as amended; and Order no. 278/2016 Sb. on the transfer of data to the register of proceedings pertaining to applications for the recognition of foreign higher education and qualifications.
- (3) The procedure for recognizing education and qualifications is governed by the obligations imposed on the Czech Republic by international treaties; these treaties are published either in the Collection of Laws, in the Collection of International Treaties, or on the website of the Ministry of Education, Youth and Sports. This procedure applies solely to the academic recognition of education (for the purpose of access to further education and higher education) and for the professional recognition of education for purposes of non-regulated occupations. The procedure does not apply to the professional recognition of qualifications necessary for purposes of regulated occupations.
- (4) The procedure for verifying the authenticity of signatures and official stamps found on the original foreign documents is governed by the obligations imposed on the Czech Republic by international treaties. With respect to current international obligations, these procedures can be divided into three types:
 - a) The first type of procedure is governed by obligations imposed on the Czech Republic under bilateral mutual legal assistance treaties; under

these treaties it is possible to submit public documents (diplomas and other certificates of education) issued in one signatory state to authorities in the other signatory state without the requirement for further authentication (legalization). Legalization is thus **not required** for higher education diplomas issued in states which have concluded **mutual legal assistance treaties** with the Czech Republic: Afghanistan, Albania, Algeria, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Montenegro, France, Georgia, Yemen, Croatia, Korea (DPRK), Cuba, Cyprus, Kyrgyzstan, Hungary, Macedonia/FYROM, Moldavia, Mongolia, Poland, Austria, Romania, the Russian Federation, Greece, Slovakia, Slovenia, Serbia, Syria, Spain, Switzerland, Ukraine, Uzbekistan, Vietnam.

b) The second type of procedure is governed by obligations imposed upon the Czech Republic under the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents; the Hague Convention stipulates a universal form of authentication via an Apostille (a certificate in the official language of the issuing state, conforming to a universal format); signatory states determine which authorities are responsible for issuing Apostilles. Apostilles are required by the Czech Republic.

c) The third type of procedure concerns the recognition of documents issued in states with which the Czech Republic has not concluded any treaty (hereinunder “other states”); the authenticity of signatures and official stamps on original documents must be certified by the Ministry of Foreign Affairs of the country in which the issuing higher education institution is located, or by an appropriate other authority in that country and the embassy/consulate of the Czech Republic in that country.

- (5) The validity of higher education diplomas issued in Hungary, Poland, Germany, Slovenia and Slovakia is governed by equivalency agreements (for details see <http://www.msmt.cz/vzdelavani/vysoke-skolstvi/a-postup-podle-ekvivalencnich-dohod-madarsko-polsko>). These agreements belong to the category of **promulgated treaties**. Such treaties are approved by the Parliament of the Czech Republic and ratified by the President of the Czech Republic, and under the Czech legal order they **take precedence over statutory legislation** if their provisions are at variance with the provisions of statutes (Article 10 of the Constitution of the Czech Republic). The provisions of Section 106, Subsection 1, Act no. 111/1998 Sb. on higher education institutions and on amendments and supplements to other acts (the Higher Education Act), as amended, explicitly stipulates that the recognition of foreign higher education and qualifications is primarily governed by the given international treaty to which the Czech Republic is a signatory.

- 5.1 The Agreement between the Government of the Czech Republic and the Government of the **Republic of Hungary** on the mutual recognition of certificates of education and academic degrees issued in the Czech Republic and the Republic of Hungary (published under no. 92/2005 in the Collection of International Treaties, valid from 9 June 2005).

In accordance with the principle of legal continuity, the Agreement stipulates that the Czech Republic and the Republic of Hungary mutually and automatically (i.e. without the necessity for any further recognition procedures) recognize the equivalency of state-recognized diplomas – i.e. certificates confirming the completion of studies in a Bachelor's degree programme (Article 6, Section 1), a Master's degree programme (Article 6, Section 2), or a doctoral degree programme (Article 6, Section 4).

Automatic equivalency also applies to certificates confirming the completion of Rigorosum examinations following the completion of a Master's degree (Article 6, Section 3) **and** certificates confirming the conferral of the academic degrees "Candidate of Sciences" and "Doctor of Sciences" issued on the territory of the signatory states (Article 12).

- 5.2 The Agreement between the Government of the Czech Republic and the Government of the **Republic of Poland** on the mutual recognition of parts of studies, the equivalency of certificates of education and academic degrees issued in the Czech Republic and the Republic of Poland (Prague, 16. 1. 2006, published under no. 104/2006 in the Collection of International Treaties).

With respect to the recognition of Polish higher education qualifications (i.e. diplomas) demonstrating the completion of an accredited degree programme at a particular level of higher education, Article 4 to Article 6 of the Agreement stipulate that these qualifications are automatically recognized as equivalent to the corresponding Czech qualifications without the necessity for further recognition procedures.

- 5.3 The validity of higher education diplomas issued in Germany is governed by the Agreement concluded between the Government of the Czech Republic and the Government of the **Federal Republic of Germany** on the mutual recognition of the equivalency of certificates of higher education (Prague, 23. 3. 2007) – no. 60/2008 in the Collection of International Treaties.

However, Article 3, Sections 1 and 2 of the Agreement stipulate that completed studies, or the results of parts of studies and examinations, shall be recognized "on the basis of a request"; the certificate-holder must therefore request the recognition of the foreign higher education and qualifications by an authority competent to grant such recognition – i.e. a public higher education institution which offers a degree programme with

similar content. If the request contains all necessary particulars, the recognizing authority shall recognize equivalency under Article 7 of the Agreement, and it shall issue a certificate of recognition to this effect.

- 5.4 The Agreement between the Government of the Czechoslovak Socialist Republic and the Federal Executive Council of the Parliament of the Socialist Federal Republic of Yugoslavia on the mutual recognition of certificates of education and academic degrees issued in the Czechoslovak Socialist Republic and the Socialist Federal Republic of Yugoslavia (Belgrade, 12. 9. 1989, published under no. 89/1991 in the Collection of International Treaties) – **valid solely for Slovenia**.
- 5.5 The validity of higher education diplomas issued in Slovakia is governed by the Treaty between the Czech Republic and the **Slovak Republic** on the mutual recognition of the equivalency of certificates of education issued in the Czech Republic and the Slovak Republic (Prague, 28. 11. 2013, published under no. 23/2015 in the Collection of International Treaties, valid from 28. 3. 2015) (hereinunder “the Treaty”).

In accordance with the principle of legal continuity, the new legal situation established by the Treaty as of 28 March 2015 does not depart from the previous legal situation; the Czech Republic and the Slovak Republic thus continue to recognize higher education and higher education diplomas issued since the division of the Czech and Slovak Federative Republic (i.e. since 1 January 1993) as mutually equivalent; this recognition is automatic, without the necessity for any further recognition procedures.

Nevertheless, regardless of the above-mentioned Treaty, holders of a Slovak certificate of higher education (i.e. holders of higher education qualifications from Slovakia) may, in accordance with Section 89, Subsection 1 b) of Act no. 111/1998 Sb. on higher education institutions and on amendments and supplements to other acts (the Higher Education Act), request that recognition of foreign higher education in the Czech Republic be granted by a public higher education institution which offers a degree programme with similar content (e.g. for purposes of admission to follow-on degree programmes or for employment-related reasons).

For persons who received Slovak higher education by studying at a branch of a Slovak higher education institution located in the Czech Republic during the period of validity of the Treaty (i.e. from 28 March 2015 onwards), the recognition of their Slovak higher education and qualifications proceeds in accordance with the standard procedure for nostrification set out in the Higher Education Act, as recognition is not automatic in such cases. The decisive criterion for the decision on the recognition of foreign (Slovak) higher education and qualifications is thus the location in which the education was received.

This situation does not apply to the legal status of persons who received their Slovak higher education after the division of the Czechoslovak Federative Republic by studying at a branch of a Slovak higher education institution located in the Czech Republic between 1 January 1993 and 27 March 2015. In such cases, Slovak certificates of higher education are automatically (without the necessity for any further recognition procedures) recognized in the Czech Republic as equivalent to Czech certificates of higher education issued in the Czech Republic during the above-mentioned period. (Academic degrees conferred during this period likewise continue to be recognized as equivalent.)

- (6) In accordance with Act no. 325/1999 Sb. on asylum, as currently valid, if the applicant for nostrification is a person who has received international protection in the Czech Republic or another European Union member state in the form of asylum or subsidiary protection, or who, under the obligations imposed on the Czech Republic by international treaties, must be deemed to be a refugee or an exile (or a person in a similar situation to that of a refugee), the requirement to submit the documents listed in Section 90, Subsections 2 and 3 of the Higher Education Act, as currently valid, may be waived and substituted by an affirmation (sworn declaration) submitted by the applicant.
- (7) Decisions on the recognition of higher education received in other states are taken by the University of Ostrava within the purview of the degree programmes accredited at the University of Ostrava.

Article 2

The procedure for nostrification at the University of Ostrava

- (1) The applicant submits a written *Application for recognition of foreign higher education and qualification in the Czech Republic* to the Rector of the University of Ostrava, on condition that the University of Ostrava offers an accredited degree programme with similar or related content; this application is submitted via the Office of the Vice-Rector for Studies and Lifelong Learning. The form, entitled *Žádost o uznání zahraničního vysokoškolského vzdělání a kvalifikace v České republice/Application for recognition of foreign higher education and qualification in the Czech Republic*, constitutes Appendix 1 to this Directive.
- (2) The written application contains the following particulars:
 - a) first name and surname, for citizens of countries other than the Czech Republic also the applicant's sex,
 - b) citizenship,

- c) date of birth,
- d) permanent residence of the applicant (including contact address and telephone number),
- e) registered address in the Czech Republic,
- f) description of the foreign education certificate, name of the higher education institution that issued the certificate, location of the institution (city, country), location of the education provision (if different from the location of the institution),
- g) date of commencement of studies,
- h) date of completion of studies,
- i) name of the degree programme completed by the applicant (in the Czech language),
- j) reason for the application,
- k) date of the application,
- l) signature of the certificate-holder,
- m) if applicable, officially certified power of attorney (authority) appointing a representative to submit the application.

(3) The following supporting documentation must be submitted:

- a) an officially certified copy of the diploma, certificate or similar document demonstrating the completion of studies, issued by the foreign higher education institution;
- b) an officially certified copy of the transcript of records or Diploma Supplement;
- c) officially certified Czech translations (issued by a court-certified translator or a Czech embassy/consulate abroad) of all documents; if the name of the foreign document is not written using the Roman alphabet, only the translation of the name is given; in the case of documents in two or more languages, the part of the document in the English language (or another language written using the Roman alphabet), if applicable, is considered the definitive version of the document;
- d) an officially certified power of attorney (authority), if the certificate-holder has appointed a representative to submit the application;
- e) a written declaration to the effect that the applicant has not in the past requested, is not currently requesting, and will not in the future request nostrification of the document from a different higher education institution in the Czech Republic;

f) a document proving payment of the fee for the nostrification proceedings in accordance with Section 90a, Subsection 2 of the Higher Education Act, as currently valid.

- (4) Proceedings pertaining to applications for the recognition of foreign higher education and qualifications in the Czech Republic are conducted in the Czech language, and written documentation related to these proceedings is issued in the Czech language. In accordance with Section 16, Act no. 500/2004 Sb., the Code of Administrative Procedure, as currently valid, any applicant declaring their lack of knowledge of the language in which the proceedings are conducted is entitled to use the services of an interpreter listed in the register of interpreters; the costs of these services are borne by the applicant. In proceedings pertaining to applications for the recognition of foreign higher education and qualifications in the Czech Republic, applicants who are not citizens of the Czech Republic are responsible for securing the services of an interpreter at their own expense, unless otherwise stipulated by legislation.
- (5) The Office of the Vice-Rector for Studies and Lifelong Learning assesses the submitted application. If necessary, the procedure may be suspended and the applicant may be requested to rectify any issues.
- (6) In accordance with Section 16, Act no. 500/2004 Sb., the Code of Administrative Procedure, as currently valid, the individual acts in the proceedings are performed in writing, unless otherwise stipulated by legislation or if the nature of a particular act is incompatible with the written form. Information may be communicated to the applicant orally during the proceedings, on condition that the applicant does not insist on written communication. The content of acts performed in non-written form is recorded in the file pertaining to the application, unless otherwise stipulated by legislation.
- (7) The individual component parts of the University of Ostrava are obliged to proceed without undue delay in matters pertaining to nostrification proceedings. If the University of Ostrava, as the administrative body of first instance, fails to act within the legally stipulated time period or within a reasonable time period, the situation shall be rectified in accordance with the provisions on protection against inactivity set out in Section 80 of Act no. 500/2004 Sb., the Code of Administrative Procedure, as currently valid.
- (8) A staff member at the Office of the Vice-Rector for Studies and Lifelong Learning transfers the data to the register of proceedings pertaining to applications for the recognition of foreign higher education and qualifications maintained by the Ministry of Education, Youth and Sports

without delay (no later than ten days) following the final decision, using the format and structure stipulated by Order no. 278/2016 Sb.

- (9) The Vice-Rector for Studies and Lifelong Learning forwards the application and the submitted documentation to the Vice-Dean for Studies of the faculty at which the degree programme with similar or related content is accredited. The Vice-Dean for Studies requests the coordinator of the degree programme to issue an opinion on the application. This opinion contains a comparison of both degree programmes and a statement of whether or not the degree programmes differ significantly.
- (10) The coordinator of the degree programme with similar or related content must notify the Office of the Vice-Rector for Studies and Lifelong Learning of any issues preventing the assessment of the application without undue delay. In such cases, the Office of the Vice-Rector for Studies and Lifelong Learning requests the applicant to rectify these issues.
- (11) On the basis of the opinion given by the coordinator of the degree programme with similar or related content, the Vice-Rector for Studies and Lifelong Learning compiles a written statement addressed to the Rector of the University of Ostrava; this statement is forwarded to the Office of the Vice-Rector for Studies and Lifelong Learning to be actioned.
- (12) Based on the statement as per (11), the Rector of the University of Ostrava either issues a decision to issue a certificate of recognition of foreign higher education (or part of it) and qualifications in the Czech Republic, or issues a decision to reject the application.
- (13) The recognition of higher education automatically entails the recognition of the academic degree conferred upon the graduate by the foreign higher education institution and stated in the certificate of education. The holder of a foreign certificate of education is entitled to use the academic degree or other designation given in the certificate of education.
- (14) The decision and the certificate of recognition are sent to the applicant by post for receipt by the addressee only.
- (15) The Office of the Vice-Rector for Studies and Lifelong Learning notifies the applicant sufficiently in advance that an act will be performed, if such notification is necessary in order to ensure the exercise of the applicant's

rights and if such notification is not incompatible with the purpose of the act.

- (16) An appeal against the decision may be submitted to the Ministry of Education, Youth and Sports via the University of Ostrava within the time period specified in the instructions appended to the decision.

Article 3

Concluding provisions

- (1) An integral part of this Directive is Appendix no. 1 - *Žádost o uznání zahraničního vysokoškolského vzdělání a kvalifikace v České republice/Application for recognition of foreign higher education and qualification in the Czech Republic.*
- (2) If the degree programme in question was accredited before Act no. 137/2016 Sb. became effective, it is subdivided into separate degree subjects and the assessment is conducted according to the criteria of the individual degree subjects.
- (3) The Vice-Rector for Studies and Lifelong Learning is responsible for the ongoing monitoring of compliance with the provisions of this Directive.
- (4) This Directive becomes valid and effective on the date of its issue.
- (5) This Directive revokes Directive no. 163/2011 issued by the Rector, ref. no. OU-2735/90-2011, dated 15. 02. 2011.

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