

Ref. no.: OU-...../90-2017

ORDER ISSUED BY THE RECTOR
no. 30/2017**REGULATIONS ON NOSTRIFICATION AT THE UNIVERSITY OF OSTRAVA****Article 1****Introductory provisions**

This Order sets out the process for the recognition of foreign higher education (or a part thereof) and qualifications acquired by studying at a foreign higher education institution (i.e. the nostrification procedure) at the University of Ostrava. In order to ensure consistent application of the process, this Order sets out the process in detail.

Article 2**Legal framework**

1. Nostrification is the process of recognition of foreign higher education (or a part thereof) and qualifications as equivalent to education received in the Czech Republic.
2. The University of Ostrava (hereunder also “the University”) decides on the recognition of education received in other countries for purposes of degree programmes accredited at the University.
3. The recognition of education and qualifications acquired by studying at a foreign higher education institution is governed by legal regulations, in particular Act no. 111/1998 Sb. (Sections 89–90b and Section 106) on higher education institutions and on amendments and supplements to some other acts (the Higher Education Act), as amended (hereunder also “the Act”); Act no. 500/2004 Sb., the Code of Administrative Procedure, as amended (hereunder also “the Code”); and Implementing Decree no. 278/2016 Sb. on the transfer of information to the register of procedures for the recognition of foreign higher education and qualifications (hereunder also “the Implementing Decree”).
4. The procedure for the recognition of education and qualifications is derived from international treaties binding upon the Czech Republic and published in the Collection of Laws or the Collection of International Treaties or on the website of the Ministry of Education, Youth and Sports (hereunder also “the Ministry”). This procedure applies solely to the academic recognition of education (for the purpose of access to further education and studies at higher education institutions) and for the professional recognition of education for the purpose of practicing non-regulated professions. The procedure does not apply to the professional recognition of education for the purpose of practicing regulated professions.
5. The procedures for verifying the authenticity of signatures and stamps on original foreign certificates of education are governed by the commitments to which the Czech Republic is bound by its international treaties. According to existing international treaties, three types of procedure can be distinguished:

- a. The first procedure is governed by the commitments arising from bilateral treaties on legal assistance, which enable the submission in one signatory state of public documents (diplomas and other certificates of education) issued in the other signatory state without further verification. Verification is **not necessary** for higher education diplomas issued in countries which have concluded a **treaty on legal assistance** with the Czech Republic, viz: Afghanistan, Albania, Algeria, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cuba, Cyprus, France, Georgia, Greece, Hungary, Korea (Democratic People's Republic of Korea), Kyrgyzstan, Macedonia/FYROM, Moldova, Mongolia, Montenegro, Poland, Romania, the Russian Federation, Serbia, Slovakia, Slovenia, Spain, Switzerland, Syria, Ukraine, Uzbekistan, Vietnam, Yemen.
 - b. The second procedure is governed by commitments arising from multilateral treaties on the simplification of the verification process for foreign public documents (the Hague Convention), which stipulate a standard format for the verification of a document by means of an apostille (a certification in the official language of the state issuing the apostille, conforming with a standardized format); the signatory states stipulate which of their public authorities are responsible for issuing apostilles. The Czech Republic requires an apostille for purposes of verification.
 - c. The third procedure concerns the recognition of documents issued in states with which no treaty has been concluded (other states); the authenticity of signatures and stamps on original documents must be verified by the ministry of foreign affairs of the state in which the higher education institution that issued the document has its registered office, or by the appropriate public authority in the foreign country and the appropriate diplomatic authority of the Czech Republic in the country in which the higher education institution that issued the document has its registered office.
6. The validity of higher education diplomas issued in Hungary, Poland, Germany, Slovenia and Slovakia is governed by treaties on equivalence (for more details see <http://www.msmt.cz/vzdelavani/vysoke-skolstvi/a-postup-podle-ekvivalencnich-dohod-madarsko-polsko>). These treaties fall into the category of **presidential treaties**. They were approved by the Parliament of the Czech Republic and ratified by the President of the Czech Republic; under Czech law they have **precedence over statutes** if a treaty provides something other than that which a statute provides (Article 10 of the Constitution of the Czech Republic). The provisions of Section 106, Subsection 1 of the Act explicitly state that when recognizing foreign higher education and qualifications, international agreements binding on the Czech Republic take priority over the provisions of the Act.
- 6.1 The Treaty between the Government of the Czech Republic and the Government of the **Republic of Hungary** on the mutual recognition of the equivalence of certificates of education and certificates of academic degrees and titles issued in the Czech Republic and the Republic of Hungary (published as Treaty no. 92/2005 Sb.m.s., valid from 9 June 2005). Maintaining the principle of legal continuity, this Treaty stipulates that both the Czech Republic and the Republic of Hungary automatically (i.e. without the necessity for further procedures) recognize state-recognized diplomas – e.g. certificates of the completion of studies in a Bachelor's degree programme (Article 6, Paragraph 1), a Master's degree programme (Article 6, Paragraph 2) and a doctoral degree programme (Article 6, Paragraph 4) – to be mutually equivalent. Automatic recognition of equivalence also applies to certificates on the completion of rigorosum (post-Master's) examinations which follow the completion of a Master's degree programme (Article 6, Paragraph 3) and to certificates on the award of the academic titles "candidate of sciences" and

“doctor of sciences” issued within the territory of the signatory states (Article 12).

- 6.2 The Treaty between the Government of the Czech Republic and the Government of the **Republic of Poland** on the mutual recognition of parts of studies, the equivalence of certificates of education and certificates of academic degrees and titles issued in the Czech Republic and the Republic of Poland (Prague, 23 March 2007, published as Treaty no. 104/2006 Sb.m.s.). With respect to the recognition of Polish higher education qualifications (i.e. diplomas) certifying the completion of an accredited degree programme at a specific level of higher education, Articles 4–6 of the Treaty stipulate that these qualifications shall be recognized automatically (i.e. without the necessity for further procedures) as mutually equivalent.
- 6.3 The validity of higher education diplomas issued in Germany is governed by the Treaty concluded between the Government of the Czech Republic and the Government of the **Federal Republic of Germany** on the mutual recognition of the equivalence of certificates of education in the field of higher education (Prague, 23 March 2007, published as Treaty no. 60/2008 Sb.m.s.). However, because Article 3, Paragraphs 1 and 2 of this Treaty stipulate that the results of parts of study and examinations, and the results of completed studies, will be recognized “on the basis of an application”, holders of such a diploma must apply for the recognition of foreign higher education and qualifications to the appropriate body, i.e. a public higher education institution which offers a degree programme similar in content to the degree programme for which the diploma was issued. If the application meets all the requirements, the appropriate body as per Article 7 of the Treaty shall approve the application and issue a certificate of recognition.
- 6.4 The Treaty between the Government of the Czechoslovak Socialist Republic and the Federal Executive Council of the Assembly of the Socialist Federative Republic of Yugoslavia on the mutual recognition of the equivalence of certificates of education and certificates of academic degrees and titles, issued in the Czechoslovak Socialist Republic and the Socialist Federative Republic of Yugoslavia (Belgrade, 12 September 1989, published as Treaty no. 89/1991 Sb.m.s.) – **valid only for Slovenia**.
Diplomas issued in both states to certify the completion of higher education are recognized as equivalent. **The equivalence of diplomas under the Treaty applies to diplomas issued after the completion of Master’s degree programmes.** Academic titles and designations awarded to graduates of higher education institutions of corresponding types are mutually recognized. Automatic recognition also applies to **certificates of the award of the academic titles “candidate of sciences” (in the Czech Republic), “master of sciences” (in the Republic of Slovenia) and “doctor of sciences”** issued in the signatory states.
However, holders of higher education certificates (i.e. higher education qualifications) issued by a higher education institution (part of the higher education system in the Republic of Slovenia) may, regardless of the Treaty, **submit an application to a Czech higher education institution for recognition of foreign higher education in the Czech Republic as per Section 89, Subsection 1 b) of the Higher Education Act, on condition that the Czech higher education institution provides a degree programme of similar content.**
- 6.5 The validity of higher education diplomas issued in Slovakia is governed by the Treaty concluded between the Czech Republic and the **Slovak Republic** on the mutual recognition of the equivalence of certificates of education issued in the Czech Republic and the Slovak Republic (Prague, 28 November 2013, published as Treaty no. 23/2015 Sb.m.s., valid from 28 March 2015).

Applying the principle of legal continuity, the legal situation remains unchanged with regard to the recognition of higher education and higher education certificates; both the Czech Republic and the Slovak Republic mutually and automatically (i.e. without the necessity for further procedures) recognize the equivalence of higher education and higher education certificates issued since the dissolution of the Czech and Slovak Federative Republic (i.e. since 1 January 1993) and likewise since the entry into legal effect of Treaty no. 23/2015 Sb.m.s. (i.e. since 28 March 2015).

However, holders of Slovak higher education certificates (i.e. higher education qualifications) may, regardless of the Treaty, submit an application to a Czech higher education institution for recognition of foreign higher education in the Czech Republic as per Section 89, Subsection 1 b) of the Higher Education Act, on condition that the Czech higher education institution provides a degree programme of similar content (e.g. for purposes of consecutive higher education studies or for work-related purposes).

In the case of persons who acquire(d) higher education by completing studies at a branch of a Slovak higher education institution in the Czech Republic during the validity of the Treaty (i.e. from 28 March 2015 onwards), these persons' Slovak education and higher education qualifications are subject to standard nostrification procedures as per the Higher Education Act, as the principle of automatic recognition does not apply to such cases. When deciding on the recognition of foreign (Slovak) higher education and qualifications, the determining factor at present is thus the location at which the education in question was provided.

This situation does not apply to the legal status of persons who acquired Slovak higher education after the dissolution of the Czech and Slovak Federative Republic by studying at a branch of a Slovak higher education institution in the Czech Republic during the period from 1 January 1993 to 27 March 2015. In such cases, Slovak certificates of higher education acquired by studying during the above-mentioned period must be automatically (i.e. without the necessity for further procedures) recognized in the Czech Republic as equivalent to Czech certificates of higher education issued during the above-mentioned period. Likewise, academic degrees awarded during the same period are recognized as equivalent.

7. In accordance with Act no. 325/1999 Sb. on asylum, as amended, if the applicant for nostrification is a person who has been granted international protection in the form of asylum or additional protection in the Czech Republic or another EU member state, or if the applicant is a person who, on the basis of the international obligations of the Czech Republic, must be considered a refugee or a displaced person or a person in a similar situation to that of a refugee, the applicant may submit a sworn declaration in lieu of the submission of the documents listed in Section 90, Subsection 2 of the Act and the verification of authenticity under Section 90, Subsection 3 of the Act.
8. If the country in which the certificate of foreign higher education and qualifications was issued is a party to the Lisbon Recognition Convention (the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, no. 165, signed in Lisbon on 11 April 1997), and if the Czech Republic has not concluded a bilateral treaty on equivalence (Albania, Andorra, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Iceland, Ireland, Israel, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia/FYROM, Malta, Moldova, Montenegro, the Netherlands, New Zealand, Norway, Portugal, Romania, Russia, Serbia, Spain, Sweden, Turkey, Ukraine, the United Kingdom, the Vatican), the Lisbon Recognition Convention must be applied

to its full extent when deciding on nostrification, i.e. the Convention takes precedence over statutes.

Article 3

The nostrification procedure at the University of Ostrava

1. Applicants submit a written *Application for recognition of foreign higher education and qualifications in the Czech Republic* to the Rector if an accredited degree programme at the University is similar or related in content to the degree programme completed by the applicant; the application is submitted via the Office of the Vice-Rector for Studies and Lifelong Learning. The form for the application (*Žádost o uznání zahraničního vysokoškolského vzdělání a kvalifikace v České republice/Application for recognition of foreign higher education and qualifications in the Czech Republic*, hereunder also “the application form”) forms Appendix no. 1 of this Order.
2. The written application contains the following particulars:
 - a. the applicant’s name and surname,
 - b. citizenship,
 - c. date of birth,
 - d. permanent address (contact address and telephone contact),
 - e. the name of the higher education institution at which the applicant studied, the address of the registered office of the institution (city, country), the location at which the education was provided (if different from the location of the registered office),
 - f. the date of commencement of studies,
 - g. the date of completion of studies,
 - h. the name of the degree programme completed (in the Czech language),
 - i. the type of the degree programme completed (Bachelor’s, Master’s, doctoral),
 - j. the purpose for which the application is being submitted,
 - k. the date of submission,
 - l. the applicant’s signature.
3. The application must include the following documents:
 - a. the original or an officially certified copy of the diploma, certificate or similar document certifying the completion of studies, issued by the foreign higher education institution;
 - b. the original or an officially certified copy of a list of examinations completed or the Diploma Supplement;
 - c. officially certified translations (certified by a court-authorized translator or a diplomatic authority of the Czech Republic in a foreign country) of all documents into the Czech language (no translation is required if the documents are in the Slovak or English languages); if, for serious reasons, the applicant is unable to provide a translation into the Czech language, the University may, upon agreement with the applicant, provide this translation at the applicant’s expense; if the original title of a foreign certificate of education is not written in the Roman alphabet, only its translation is given; in the case of certificates in two or more languages, the English-language version (or the version in another language written in the Roman alphabet) is considered to be the authentic version;
 - d. an officially certified power of attorney appointing a third party as the applicant’s agent (if the applicant has authorized a third party to submit the application);
 - e. a sworn declaration by the applicant stating that the applicant’s foreign higher education has not yet been recognized in the Czech Republic as of the date on which the application is submitted, and that the applicant has not submitted an application for the recognition of foreign higher education and qualifications

- to a different higher education institution with its registered office in the Czech Republic;
- f. proof of payment of the fee for the nostrification procedure in accordance with Section 90a, Subsection 2 of the Act.
4. The University may also require the applicant to provide
 - a. additional information to the effect that the applicant's degree programme was provided by an institution legally authorized to provide education comparable with higher education;
 - b. additional information regarding the content of the applicant's foreign higher education studies.
 5. In accordance with Section 15 of the Code of Administrative Procedure, the individual acts within the nostrification process are conducted in writing, unless otherwise legally stipulated or unless the nature of the act prevents it from being conducted in writing. Individual notifications during the course of the nostrification process may be delivered orally to the applicant in person, if the applicant does not insist on written notification. Acts not conducted in writing are recorded in the relevant file unless otherwise legally stipulated.
 6. In accordance with Section 16 of the Code of Administrative Procedure, the nostrification procedure (including written communication) is conducted in the Czech language. If a person declares that they are not competent in the language in which the procedure is conducted, the person is entitled to use (at their own expense) the services of an interpreter listed in the register of interpreters. If the applicant is not a citizen of the Czech Republic, the applicant arranges the services of an interpreter at the applicant's own expense, unless otherwise legally stipulated.

Article 4

Assessment of the application

1. The Office of the Vice-Rector for Studies and Lifelong Learning assesses the application submitted. If necessary, the nostrification procedure may be suspended and the applicant may be instructed to rectify any defects, a reasonable period of time being granted to do so. If the applicant fails to rectify the defects, this is deemed to be a failure to remove an impediment which prevents the continuation of the nostrification procedure; this constitutes grounds to terminate the nostrification procedure by means of a ruling issued by the Rector, as per Section 66, Subsection 1 c) of the Code of Administrative Procedure.
2. The individual components of the University are obliged to act without undue delay during the nostrification procedure.
3. The Office of the Vice-Rector for Studies and Lifelong Learning transfers the information to the register of procedures for the recognition of foreign higher education and qualifications maintained by the Ministry of Education, Youth and Sports without delay (no later than within ten working days) following the decisive event, in the format and structure stipulated by the Implementing Decree.
4. The Vice-Rector for Studies and Lifelong Learning forwards the application and the submitted documentation to the Vice-Dean for Studies at the Faculty at which the relevant degree programme is accredited. The Vice-Dean for Studies instructs the coordinator of the degree programme that is similar in content to the applicant's degree programme (hereunder "the coordinator") to elaborate a statement on the application. The statement contains a comparison of the degree programmes and an opinion on whether or not the degree programmes differ substantially.
5. The coordinator is obliged to notify the Office of the Vice-Rector for Studies and Lifelong Learning without undue delay of any defects which prevent the assessment of the application. In such cases the Office of the Vice-Rector for Studies and Lifelong Learning instructs the applicant to rectify the defects as per Paragraph 1 of this Article.

6. The coordinator elaborates a written statement containing an assessment of the courses in the pertinent degree programmes (i.e. the foreign degree programme whose recognition the applicant is requesting and the relevant degree programme accredited at the University of Ostrava), the number of teaching hours and the knowledge and skills acquired by completing the degree programmes, thus presenting specific facts on whose basis substantial differences in the scope and content of the degree programmes were/were not found.
7. On the basis of the coordinator's statement, the Vice-Dean for Studies elaborates a written statement addressed to the Rector, which is forwarded to the Office of the Vice-Rector for Studies and Lifelong Learning for action.

Article 5

Decisions

1. Taking account of the statement as per Article 4, Paragraph 6, the Rector issues a decision either to issue or not to issue a certificate recognizing foreign higher education (or a part thereof) and qualifications in the Czech Republic. An application for recognition may only be rejected if there are substantial differences between the degree programmes in question; evidence of these substantial differences must be provided.
2. The recognition of higher education concurrently involves the recognition of the academic degree (title) awarded to the applicant by the foreign higher education institution; this degree (title) is listed in the diploma. The holder of a foreign diploma is entitled to use the academic degree (title) or other designation for a graduate as listed in the diploma.
3. The decision and the certificate of recognition are sent directly to the applicant for personal delivery.
4. The Office of the Vice-Rector for Studies and Lifelong Learning notifies the applicant sufficiently in advance of any act conducted by the Office of the Vice-Rector for Studies and Lifelong Learning if such notification is necessary for the applicant to defend their rights and if it does not jeopardize the purpose of the act.
5. An appeal against the decision may be lodged with the Ministry of Education, Youth and Sports via the University of Ostrava within the period stipulated in the instructions appended to the decision.
6. The termination of the procedure on the grounds of a defective application or the rejection of the application on the grounds of the existence of substantial differences between the pertinent degree programmes does not constitute grounds for the reimbursement of the fee paid.

Article 6

Final provisions

1. If the degree programme was accredited before Act no. 137/2016 Sb. entered into effect, the programme is subdivided into degree subjects, and the assessment is conducted as appropriate based on the criteria of the pertinent degree subjects.
2. The Vice-Rector for Studies and Lifelong Learning is tasked with the ongoing monitoring of compliance with this Order.
3. This Order becomes valid and effective on the date of its issue.
4. Directive no. 236/2016 issued by the Rector (ref. no. OU-90000/90-2016, issued 12 December 2016) is revoked when this Order enters into effect.

Ostrava, date:

prof. MUDr. Jan Lata, CSc., in his own hand
Rector

Appendix no. 1 - Žádost o uznání zahraničního vysokoškolského vzdělání a kvalifikace v České republice/Application for recognition of foreign higher education and qualifications in the Czech Republic

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Cc: University of Ostrava Portal