

CROATIAN PARLIAMENT

Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue

DECREE

PROMULGATING THE ACT

ON QUALITY ASSURANCE IN SCIENCE AND HIGHER EDUCATION

I promulgate the Act on Quality Assurance in Science and Higher Education which was passed by the Parliament of the Republic of Croatia at the session held on April 3, 2009.

Class: 011-01/09-01/66

Ref. No.: 71-05-03/1-09-2

Zagreb, April 6, 2009

President of the Republic of Croatia
Stjepan Mesić (signed)

ACT ON QUALITY ASSURANCE IN SCIENCE AND HIGHER EDUCATION

SECTION I GENERAL PROVISIONS

Article 1

(1) This Act regulates:

- quality assurance and development in science and higher education via procedures of initial accreditation, re-accreditation, thematic evaluation and audit
- status, activity and organisation of the Agency for Science and Higher Education (hereinafter: Agency) as a public institution of the Republic of Croatia tasked with quality assurance and development in science and higher education, and
- role of other institutions in the Republic of Croatia tasked with quality assurance and development in science and higher education.

(2) Provisions of this Act shall apply to public and private higher education institutions, public scientific institutes and other scientific organisations established by the Republic of Croatia, and private scientific institutes and other legal entities enrolled in the Register of Scientific Organisations (hereinafter: evaluation objects).

Article 2

For the purposes of this Act, the following expressions shall have the following meanings:

1. *Quality in science and higher education* is a multi-dimensional and dynamic concept in which the emphasis is placed on satisfying generally accepted standards and expectations of the society as a whole, with a desire to constantly improve all processes and their outcomes.

2. *Internal system of quality assurance and development* is a system of measures and activities through which evaluation objects present their accountability for efficiency and realisation of quality outcomes of their educational and scientific activities.

3. *External system of quality assurance and development* includes evaluation and judgement on the quality of the evaluation objects, based on objective and transparent criteria.

4. *Evaluation* includes procedures and the result of the review of quality, fitness for purpose and efficiency of the evaluation objects and study programmes. Evaluation procedures are: initial accreditation, re-accreditation, thematic evaluation and audit.

5. *Initial accreditation* is a procedure of external evaluation of the quality of new evaluation objects and/or new study programmes in order to ascertain whether an evaluation object fulfils minimal criteria and standards. The outcome of the procedure is accreditation recommendation as a basis for licensing higher education institutions for their activities and/or carrying out of their study programmes, and for licensing scientific organisations for their activities.

6. *Re-accreditation* is a procedure of external evaluation of the quality of existing evaluation objects and/or study programmes resulting in the accreditation recommendation with grade and recommendations for improvement. The procedure is carried out in order to confirm fulfilment of the conditions for continued activity and/or carrying out of the study programmes of higher education institutions, and to confirm fulfilment of the conditions for continued activity of scientific organisations.

7. *Thematic evaluation* is a procedure of the evaluation objects, and is carried out in accordance with Article 24 of this Act.

8. *Audit* is a procedure looking into degree of development and efficiency of the internal quality assurance system of an evaluation object. The outcome of this procedure is a report with recommendations for improvement and a certificate issued by the Agency.

9. *Accreditation recommendation of the Agency* is an independent professional opinion of the Agency which is passed on the basis of the carried out evaluation procedure. It is the basis for the ministry in charge of science and higher education (hereinafter: Ministry) to make a decision on the outcome of an evaluation procedure.

10. *License* is an administrative deed passed by the Ministry on the basis of finished evaluation procedure which confirms that an evaluation object fulfils conditions to start its activity and/or carry out study programme.

11. *Certificate on fulfilling requirements for carrying out activity or part of activity* – public document issued by the Ministry to evaluation objects in the re-accreditation procedure in accordance with Article 22 of this Act.

12. *Audit certificate* is a confirmation about the level of development and efficiency of the internal quality assurance system of an evaluation object.

SECTION II

AGENCY FOR SCIENCE AND HIGHER EDUCATION

Article 3

(1) Agency shall have the status of an independent legal person with public authorities entered to the judicial records.

(2) Founder of the Agency is the Republic of Croatia.

(3) The head office of the Agency shall be in Zagreb.

Article 4

(1) In carrying out the activities determined by this Act and other regulations, the Agency shall be autonomous and independent, respecting European standards and guidelines as well as international practice in the field of quality assurance in science and higher education.

(2) Within its jurisdiction the Agency shall:

- a) carry out the procedure of initial accreditation,
- b) carry out the procedure of re-accreditation,
- c) carry out the procedure of thematic evaluation,

- d) carry out the procedure of audit,
- e) collect and process information about the systems of science, higher education and other system inter-dependent with science and higher education, primarily about:
 - resources of science and higher education, and their relevance to the needs of society
 - quality and efficiency of scientific activity and higher education activity
 - development trends of the systems of science and higher education and their parts,

which will serve as basis for analyses which are necessary for establishing standards and criteria for all evaluation procedures carried out by the Agency, as well as for passing judgement in all evaluation procedures, providing relevant information about situation and efficiency of the whole system of science and higher education necessary for professional and state institutions in passing strategic decisions for development of science and higher education. Agency shall deliver all collected information, analyses and statistics to the Ministry upon request. The Agency shall, together with the Ministry, harmonise archives in line with its authority.

- f) carry out the procedure of professional recognition of foreign higher education qualifications in accordance with special regulations,
- g) provide information about conditions for enrolment into higher education institutions in the Republic of Croatia and collect information on fulfilment of conditions for enrolment of candidates into higher education institutions, on the basis of which higher education institutions shall enrol students into their study programmes,
- h) carry out activities of involving system of science and higher education into international system, carry out activities of linking and accession into international associations and networks dealing with quality assurance in the system of science and higher education,
- i) work on encouraging development of scientific skills, knowledge and research on the system of quality in science and higher education in the Republic of Croatia and carry out systematic educational activities at the national level, especially regarding the education of members of professional bodies involved in the evaluation procedure as part of external system of quality assurance and development,
- j) carry out other activities in accordance with special regulations.

(3) Agency shall carry out tasks mentioned in the Paragraph 2 Items a), b), c), d), e), f) and i) as public authority.

(4) Activity of the Agency shall be further determined by the Statute and other general acts of the Agency, in accordance with this Act and other regulations.

(5) Collection and processing of information mentioned in Paragraph 2 Item e) of this Article shall be regulated by the Agency with general act in accordance with other legislation regulating protection of personal data and secrecy of information.

Article 5

(1) Funds for Agency activities shall be provided from the state budget,

(2) Agency may acquire funds for its activities also from other sources, in accordance with the law.

Article 6

Internal organisation and management of the Agency as well as conditions for work and employment shall be regulated by general acts of the Agency in accordance with the Act and other regulations.

Article 7

- (1) Bodies of the Agency shall be: Management Board, Director and Professional Council.
- (2) Accreditation Council shall be established within the Agency as professional body of the Agency, made out from representatives of the system of science and higher education.
- (3) Structure, mandate, authority and methods of work as well as other issues relevant to the activity of the Accreditation Council shall be regulated by the Agency statute.
- (4) Agency may also have other professional and counselling bodies. Their composition, establishment and authority shall be regulated by the Agency statute.

Article 8

- (1) Agency shall be governed by the Management Board consisting of President and eight members.
- (2) The mandate of the President and members of the Management Board shall be four years.
- (3) President and seven members of the Management Board shall be appointed and discharged by the Croatian parliament as follows:
 - president and two member nominated by the Government of the Republic of Croatia,
 - one member nominated by the Rector's Conference,
 - one member nominated by the Council of Polytechnics and Schools of Professional Higher Education,
 - one member nominated by the national council in charge of science
 - one member nominated by the national council in charge of higher education
 - one member shall be a student nominated by the Croatian Students Council.
- (4) Agency shall appoint and discharge one member of the Management Board from the ranks of its employees.
- (5) Method and procedure for nominating president and members of the Management Board shall be further determined by the Agency statute.
- (6) Mandate of the president or a member of the Management Board may expire prior to the time set in Paragraph 2 of this article, especially if they demand resolution themselves, in case of significant breach of duties set by the Agency statute, in case of impossibility of usual carrying out of duties for longer than six months, in case of permanent loss of capacity for carrying out of duties and in case of sentence with legal effect for offence which renders a person incapable of carrying out his/her duties.
- (7) Agency shall inform the Croatian Parliament about the reasons for discharging president and member of the Management Board nominated by Croatian parliament before the expiry of their period of office.

Article 9

(1) Management Board of the Agency shall:

- adopt Agency Statute following proposal of the director and with the approval of the Ministry,
- appoint and discharge director,
- appoint and discharge deputies and assistant directors of the Agency, following proposal of the director,
- adopt Ordinance on Internal Organisation which closely regulates internal organisation of the Agency, following proposal of the director,
- adopt yearly programme of the work of the Agency which shall set activities and tasks of the Agency for current calendar year in detail and monitors implementation of the programme,
- adopt yearly budget of the Agency following proposal of the director,
- adopt final financial report of the Agency,
- decide on the services Agency is offering for a fee, as well as the amount of the fees for offered services following proposal of the director,
- adopt yearly report on the Agency activities submitted by the director and forward it to the Agency founder,
- undertake other activities in accordance with the law and statute of the Agency.

(2) Management Board shall make decision with the majority votes of all members.

(3) Method of work of the Board shall be further determined by the Agency Statute and Rules of Board Procedure.

Article 10

(1) Director shall be the managing and professional head of the Agency.

(2) Director shall be appointed and removed from office by the Management Board.

(3) Director shall be appointed on the basis of public tender for the period of four years, with a possibility of re-appointment.

(4) A person that fulfils conditions in accordance with the provisions of the Agency Statute may be appointed Director.

(5) Procedure of appointing and discharging Director shall be further determined by the Agency Statute.

Article 11

Director of the Agency shall:

- represent and act on behalf of the Agency, manage the Agency's business and its activities,
- submit proposal of the Statute as well as its to the Management Board, Regulation on Internal Organisation and yearly budget,
- adopt other general acts from the scope of Agency activities,

- independently carry out legal actions in the name and on behalf of the Agency up to the amount set by the Agency Statute,
- decide on the start and end of employment of Agency employees,
- participate in activities of the Management Board without right to make decisions,
- carry out other activities pursuant to the law and statute of the Agency.

Article 12

- (1) Agency director shall have deputy and assistant directors.
- (2) Persons that fulfil conditions set in the Agency Statute may be appointed deputy and assistant directors.
- (3) Number of assistant directors as well as procedure for appointing deputy and assistant directors and the scope of their work shall be regulated by the Agency Statute.

Article 13

- (1) ENIC/NARIC office shall be established in the Agency as a reporting centre on academic mobility and recognition of foreign higher education qualifications.
- (2) Organisation and authority of the National ENIC/NARIC office shall be further regulated by the Statute and other general acts of the Agency.

Article 14

- (1) Central Applications Office shall be established in the Agency with the following tasks:
 - a) collecting information about fulfilling conditions for enrolment of applicants to higher education institutions
 - b) ranking of credited education results which serve as a basis for higher education institutions enrolling students to their study programmes as well as providing information on conditions for enrolment into higher education institutions in the Republic of Croatia.
- (2) In order to collect information about student success at state exam, Central Applications Office shall cooperate with the National Center for External Evaluation of Education as well as with higher education institutions in the Republic of Croatia.
- (3) Representatives of every university and a representative of the Council of Polytechnics and Schools of Professional Higher Education may participate in the activities of the Central Applications Office.
- (4) Organisation and authority of the Central Applications Office shall be further regulated by the Statute and other general acts of the Agency.

Article 15

- (1) The Ministry shall carry out supervision over legality of the Agency activities.
- (2) The Agency shall submit yearly report to the founder, national council in charge of science and national council in charge of higher education about the results of its activities.

(3) The Agency is obliged to submit relevant information about its activities to the national councils mentioned in Paragraph 2 of this Article upon their request.

Article 16

(1) The property of the Agency shall comprise the assets from the founder and other sources, in accordance with law.

(2) The Agency may not acquire, burden or alienate property or other assets, the value of which exceeds the value determined in the Statute without the consent of the founder.

Article 17

(1) The Agency shall be held responsible with all its assets for its obligations.

(2) The founder shall be held responsible for obligations of the Agency jointly and without limits.

SECTION III

SYSTEM OF QUALITY ASSURANCE AND DEVELOPMENT

Article 18

(1) System of quality assurance and development shall involve both external and internal system of quality assurance and development.

(2) External system of quality assurance and development of the evaluation objects shall be based on the national, European and international standards. Agency shall participate in the procedures of quality assurance and development on the basis of public authority set with this Act.

(3) Croatian parliament shall pass the strategic document on the network of higher education institutions, containing guidelines and criteria for establishing higher education institutions and study programmes as well as projections of establishment of the new higher education institutions, as part of external system of quality assurance and development, following proposal of the national council in charge of higher education.

(4) Croatian parliament shall pass the strategic document on the network of public scientific organisations, containing guidelines and criteria for establishing public scientific organisations as well as projections of establishment of the new public scientific organisations, as part of external system of quality assurance and development, following proposal of the national council in charge of science.

(5) Each institution in the system of science and higher education shall establish its own Internal system of quality assurance and development with its general act.

(6) Internal system of quality assurance and development of the university constituents shall be part of the unified system of quality assurance and development at the universities.

EXTERNAL QUALITY ASSURANCE AND DEVELOPMENT

Initial accreditation for performing the operation of providing higher education

Article 19

- (1) The procedure of initial accreditation for the operation of providing higher education starts with a request for the issuance of license for the operation of providing higher education, which is submitted to the Ministry.
- (2) The request is submitted to the Ministry at least 1 year prior to the beginning of the academic year when a new study programme is to be implemented by virtue of consent for its establishment.
- (3) Along with the request from Paragraph 1 of this Article, the applicant submits documentation required for the issuance of consent for establishment of a higher education institution, which shall include:
 1. contract with an already existing higher education institution on joint implementation of a study programme that has a license
 2. foundation act
 3. study on the establishment of institution, which includes a feasibility study for the establishment of study programmes that a higher education institution wishes to implement, pursuant with the strategic document of higher education institutions network from Article 18, paragraph 3 of this Act, and was made with the participation of teachers from the system of higher education, from the scientific area of study programmes for which the request is submitted
 4. proof of adequate facilities and equipment
 5. bank guarantee, submitted by private higher education institutions for the purposes of continuation and completion of studies in cases of cessation of operation of an institution or termination of a particular study programme, to the benefit of higher education institution from Item 1 of this Paragraph, with whom the private higher education has a contract.
 6. proof of satisfying necessary requirements for performing scientific activity if the applicant is a higher education institution that plans on carrying out university level study programmes.
- (4) The Ministry verifies the request, and if the request is in order, it is forwarded to the Agency within 8 days from the receipt of the request.
- (5) Within 8 days from the receipt of the request, the Agency initiates the procedure of determining whether all the requirements for the establishment of higher education institution are met in accordance to documentation from Paragraph 3 of this Article.
- (6) In the process of determining whether all the requirements for the establishment of higher education institution are met, the Agency shall obtain a professional opinion on study from Paragraph 3 Item 3 of this Article from the Accreditation Council.
- (7) Within 60 days, the Agency shall forward its recommendation for the issuance of the consent for establishment to the Ministry. Upon positive recommendation from the Agency, the Ministry shall issue the consent for establishment within 8 days.
- (8) If the Agency gives a negative recommendation during the process of determining whether minimum criteria for the establishment of higher education institution are met, the Ministry shall, within 8 days, deny the consent for establishment.
- (9) After obtaining consent for establishment, higher education institution may start with the enrolment of students in study programmes, in accordance with the contract from Paragraph 3, Item 1 of this Article. Upon completion of the programme, higher education institution in question shall issue documents on the completion of studies, in accordance with the contract from Paragraph 3, Item 1 of this Article.
- (10) After a minimum of two years from the issuance of the consent for establishment of higher education institution, higher education institution shall submit the following documentation to the Ministry:

1. confirmation of higher education institution in question that higher education institution applying for the issuance of license for the activity of providing higher education has been carrying out the study programme for at least two years, in accordance with the contract from Paragraph 3, Item 1 of this Article,
2. appropriate number of concluded work contracts with scientific or teaching staff
3. proof of adequate facilities and equipment
4. proof that funds have been secured for performing the activities in accordance with the ordinance from Article 26 Paragraph 1 of this Act.

(11) The Agency shall give an accreditation recommendation within 60 days from receiving of documentation from Paragraph 10 of this Article. By its accreditation recommendation the Agency gives a recommendation to the Minister to either:

1. issue a license for performing the activity and implementing a proposed study programme
2. deny the request for the issuance of license for performing the activity and implementing proposed study programmes

(12) In case of license denial for the performing of activity, the founder has the right to reapply for the issuance of the license for performing the activity, upon expiry of 1 year from the day the decision was reached.

Initial accreditation for the carrying out of a study programme

Article 20

(1) The request for the implementation of a new study programme is submitted by private higher education institutions, public schools of professional higher education and polytechnics. The request shall be submitted to the Ministry at least 1 year before the beginning of the academic year in which the new study programme is to be implemented. The request for implementing a study programme for undergraduate, integrated undergraduate and graduate study are submitted at least 18 months prior to the beginning of the academic year when a new study programme is to be implemented.

(2) The request is submitted to the Ministry and it shall include:

1. study on study programme that includes a feasibility study, which was drafted with the participation of teachers from the system of higher education from the scientific field of the study programme the request is submitted for
2. proof of adequate facilities and equipment
3. appropriate number of concluded work contracts with scientific or teaching staff
4. proof that funds have been secured for performing the activities in accordance with the ordinance from Article 26 Paragraph 1 of this Act.

(3) The Ministry shall verify the completeness of the received request and if the request is in order, it shall be forwarded to the Agency within 15 days from the day of receipt.

(4) Within 8 days from receiving the request, the Agency shall initiate the process of determining whether minimum criteria for the implementation of a new study programme are met, in accordance with the documentation from Paragraph 2 of this Article.

(5) In the process of determining whether all the requirements for the implementation of a new study programme are met, the Agency shall obtain a professional opinion on study from Paragraph 2 Item 1 of this Article from the Accreditation Council.

(6) Within 60 days, the Agency shall forward an accreditation recommendation for the issuance of license for the implementation of a study programme to the Ministry. By accreditation recommendation the Agency gives the Minister a recommendation to:

1. issue a license for the implementation of a proposed study programme
2. deny the license for implementing a proposed study programme.

(7) The Ministry shall issue a license for the implementation of a study programme on the basis of a positive accreditation recommendation of the Agency within 8 days.

(8) If the Agency gives a negative recommendation during the process of determining whether the minimum requirements for the implementation of a study programme are met,

the Ministry shall deny the issuance of the license within 8 days of receiving the recommendation.

(9) In case of a license denial for the implementation of a study programme, the applicant has a right to reapply for the issuance of the license for the implementation of a study programme, upon expiry of 1 year from the day the decision was reached.

(10) University study programmes are being established and implemented by a decision of a university senate on the basis of assessment by internal quality assurance and quality development system, which takes into consideration the requirements of the ordinance from Article 26 of this Act. University study programmes can be financed from the national budget on the basis of a contract with the Ministry, with a previously obtained positive opinion of the Agency.

Initial accreditation for carrying out a scientific activity

Article 21

(1) Public scientific institutes and scientific organizations founded by the Republic of Croatia can perform a scientific activity, i.e. register such an activity in the court register, on the basis of a license for performing a scientific activity.

(2) Private scientific organization can apply for a license for performing a scientific activity.

(3) The procedure of initial accreditation for performing scientific activity begins with an application to the Ministry for a license for performing a scientific activity, which shall include:

1. foundation act
2. study on performing scientific activity that includes long-term strategic programme of scientific research in the scientific area for which the request for license is submitted, and in case of public scientific organizations, a feasibility study shall also be included, in accordance with the strategic document of higher education institutions network from Article 18 Paragraph 4 of this Act
3. proof of adequate facilities and equipment
4. proof of secured required number of scientists appointed to appropriate scientific position or with adequate number of scientific papers published
3. proof of necessary funds secured.

(4) The Ministry shall verify the completeness of the received request and if the request is in order, it shall be forwarded to the Agency within 15 days from the day of receipt.

(5) Within 8 days from receiving the request, the Agency shall initiate the process of determining whether minimum criteria for performing scientific activity are met, in accordance with documentation from Paragraph 3 of this Article.

(6) In the process of determining whether all the requirements for performing scientific activity are met, the Agency shall obtain a professional opinion on study from Paragraph 3 Item 2 of this Article from the Accreditation Council.

(7) Within 60 days, the Agency shall forward an accreditation recommendation with explanation for the performing scientific activity to the Ministry

(8) The Agency issues a positive accreditation recommendation if the applicant meets the requirements for performing scientific activity, based on proofs from Paragraph 3 of this

(9) Upon receiving a positive accreditation recommendation from the Agency, the Ministry issues a license within 8 days.

(10) If the Agency gives a negative recommendation during the process of determining whether the minimum requirements for performing scientific activity are met, the Ministry shall deny the issuance of the license within 8 days of receiving the recommendation.

Re-accreditation of higher education and scientific institutions

Article 22

(1) All public and private higher education institutions, public scientific institutions and other scientific organizations founded by the Republic of Croatia, as well as private scientific organizations and legal entities financed from the national budget, shall undergo a periodical re-accreditation every 5 years. Private scientific organizations and other legal entities funded from the national budget shall undergo a periodical re-accreditation only for the parts funded from the national budget.

(2) Re-accreditation is carried out by the Agency, either on official duty and according to the annual plan, or following a suggestion from the Minister. It can also be carried out at the suggestion from higher education institution or scientific institution.

(3) Upon the completion of re-accreditation procedure, and with the opinion of Accreditation council obtained, the Agency issues an accreditation recommendation, which includes an assessment of quality of the higher education institution or scientific institution, as well as recommendations for quality development.

(4) The result of the review from paragraph 3 of this Article is an accreditation recommendation by which the Agency recommends to the Minister to:

1. issue a confirmation to the evaluated parties from Paragraph 1 of this Article that requirements for performing the activities, or parts of the activities, are met if the accreditation recommendation is positive
2. deny a license for performing the activities, or part of the activities, to the evaluated parties from Paragraph 1 of this Article if the accreditation recommendation is negative
3. issue a letter of recommendation, with the time limit of up to three years to remove deficiencies, which for the higher education institutions can also include the suspension of student enrolment for the specified period.

(5) In case of discontinuation of work of higher education institution due to denial of license, the Ministry shall, at the recommendation of the Agency, bring forth measures to assure the continuation and completion of study for the students of the higher education institution in question.

(6) Provision from Paragraph 5 of this Article can be applied on private higher education institutions as well, in which case the implementation of measures is the financial obligation of the founder.

(7) Accreditation recommendation for higher education institutions and scientific organizations is public and can have effect on development budget of higher education institutions and scientific organizations, in accordance to the regulations from Article 26 of this Act.

(8) Re-accreditation procedure starts with initial actions from the Agency that can last no longer than 6 months after procedure of re-accreditation has been initiated.

(9) Positive accreditation recommendation shall be issued to the higher education institution that has:

1. study programme for university or professional degree courses that is comparable to accredited degree courses of higher education institutions in EU, and assures mobility within both national and international system of higher education,
2. adequate number of work contracts with scientific or teaching staff
3. adequate facilities and equipment secured
4. registration in the Register of Scientific Organizations in every scientific field for which study programmes are carried out
5. necessary funds secured.

(10) Positive accreditation recommendation shall be issued to the scientific organization that meets the necessary requirements, as follows:

1. adopted long-term strategic programme of scientific research in the scientific area in which the activity is performed

2. adequate number of employed scientists appointed to scientific positions or with an adequate number of scientific papers published
3. proof of adequate facilities and equipment
4. proof of necessary funds secured.

Audit

Article 23

- (1) All objects of evaluation shall undergo an audit every 5 years.
- (2) Audit is carried out according to the general act put forward by the Agency.
- (3) Agency carries out audits according to the annual plan.
- (4) After the audit has been carried out, the Agency publishes a report on its web-site, and issues a certificate with an assessment of a degree of development and efficiency of internal quality assurance system.
- (5) If it is established in the audit that the internal quality assurance system of the subject of evaluation is effective, the Agency issues a certificate of the internal quality assurance system development and effectiveness. If deficiencies are found with fulfilling the recommendations for improving the efficiency of the internal quality assurance system of the subject of evaluation, the Agency does not issue a certificate. In this case the Agency can initiate the external audit within the period not longer than one proscribed in Paragraph 1 of this Article, or initiate a re-accreditation of the subject of evaluation, or a thematic evaluation.

Thematic evaluation

Article 24

- (1) Thematic evaluation is carried out by the Agency on official duty, on the basis of a decision by Accreditation Council. It can also be carried out at the suggestion of the Minister, the subject of evaluation or the student union of the higher education institution.
- (2) When it follows the suggestion of the Minister, thematic evaluation is carried out for the purpose of assessing and reviewing the degree of development of organization unit and/or study programme of the subject of evaluation, i.e. assessing the quality of performance in relation to other subjects of evaluation in the same field of work.
- (3) When it follows the suggestion of the subject of evaluation, thematic evaluation is carried out with the purpose of evaluating a particular segment from the scope of their work.
- (4) The procedure of thematic evaluation is defined in more detail by general legal acts of the Agency.
- (5) Upon the completion of a procedure, a report is drafted containing the review. The report is then submitted to the applicant and published on the Agency web-site.
- (6) In case of a negative review, the Agency can initiate a re-accreditation procedure on official duty, or at the suggestion of the Minister.

Article 25

The license and a decision by which the license is denied to the applicant are administrative acts. The applicant shall have no right of appeal against the decision, but may initiate an administrative dispute.

Article 26

- (1) The Ordinance that defines in more detail the conditions for issuing a license for performing higher education activities, conditions for carrying out a study

- programme and conditions for re-accreditation of higher education institutions, is issued by the Minister.
- (2) The Ordinance that defines in more detail the procedure and conditions for issuing a license for performing scientific activity, as well as the conditions for re-accreditation of scientific organization, is issued by the Minister.
 - (3) Re-accreditation procedure from Article 22 of this Act is elaborated by the general act of the Agency.

IV. TRANSITIONAL AND FINAL PROVISIONS

Article 27

- (1) All the procedures for issuing licenses and evaluations of higher education institutions, scientific organizations and study programmes initiated by the date of entry into force of this Act shall be completed in accordance with the provisions of the Act on Scientific Activity and Higher Education (Official Gazette, 123/03, 105/04, 174/04, 2/07- CCRC Decision, 46/07) and regulations issued pursuant to this Act.
- (2) The procedures of external quality assurance and development, in accordance with the provisions of this Act, cannot be initiated before the ordinance from Article 26 of this Act and the strategic document of higher education institutions network from Article 18 Paragraphs 3 and 4 of this Act are issued.

Article 28

- (1) Upon entry into force of this Act, the Agency for Science and Higher Education, founded by the Regulation on the Establishment of the Science and Higher Education Agency (Official Gazette 104/04 and 8/07) is established as the legal successor of the Agency and structured according to the provisions of this Act.
- (2) The Management Board of the existing Agency from Paragraph 2 of this Article shall continue with its work until the Management Board of the Agency is appointed in accordance with the provisions of this Act and Agency Statute.

Article 29

- (1) The Agency shall harmonize its Statute and general acts with this Act within 2 months from the day of entry into force of this Act.
- (2) The Agency for Science and Higher Education shall meet all the requirements for a full membership in the European Association for Quality Assurance in Higher Education (ENQA) and the European Quality Assurance Register in Higher Education (EQAR) within 4 years from the day of entry into force of this Act.
- (3) The Minister shall issue the ordinances from Article 26 of this Act within 6 months from the day of entry into force of this Act.
- (4) Competent bodies, as determined by Article 18 Paragraphs 3 and 4 of this Act, shall issue a proposal of the strategic document of higher education institutions network from Article 20, paragraph 3 of this Act to the Croatian Parliament within 6 months from the day of entry into force of this Act.

Article 30

Upon the entry into force of this Act, the following provisions of the Act on Scientific Activity and Higher Education (Official Gazette, 123/03, 105/04, 174/04, 2/07- CCRC Decision, 46/07) shall cease to have effect: Article 6, Paragraph 2, item 3; Article 7, Paragraph 2, Items

2, 4, 5 and 6; Article 15; Article 16; Article 17; Article 18; Article 22, Paragraphs 3 and 4; Article 23, Paragraphs 3, 4, 5 and 6; Article 51, Paragraphs 2, 3, 4, 5, 7, 8, 9 and 12.

Article 31

This Act shall enter into force on the eighth day from the day of its publication in the Official Gazette.

Zagreb, April 3, 2009

CROATIAN PARLIAMENT

Speaker of the Croatian Parliament
Luka Bebić