

Pursuant to Article IV.4.a) of the Constitution of Bosnia and Herzegovina, at the 10th session of the House of Representatives, held on June 13th, 2007, and at the 7th session of the House of Peoples, held on July 30th, 2007, the Parliamentary Assembly of Bosnia and Herzegovina adopted the following

## FRAMEWORK LAW ON HIGHER EDUCATION IN BOSNIA AND HERZEGOVINA

### PART ONE – INTRODUCTORY REMARKS

#### 1. Purpose of the Law

##### Article 1

The Law on Higher Education in Bosnia and Herzegovina (hereinafter referred to as: the Law) determines the organization of the higher education in Bosnia and Herzegovina, the responsibility of the competent authorities in charge of this area, establishes the authorities in charge of enforcement of the Law and of international obligations of Bosnia and Herzegovina, and the method to ensure the quality in the area of higher education.

##### Article 2

For the purpose of reforming of higher education, this Law establishes the basic principles and standards for acquisition of higher education in Bosnia and Herzegovina, in accordance with the relevant provisions of the European Convention on Protection of Human Rights and Fundamental Freedoms (ETS, No. 5, 1950), and its Protocols, through the Recommendation of the Committee of Ministers of the Council of Europe on Recognition and Evaluation of Quality of Private Higher Education Institutions (R(97)1), Recommendation on Access to Higher Education (R(98)3), and Recommendation on Research Task of Universities (R(2000)8), and other relevant principles from internationally recognized legal instruments the contractual party of which Bosnia and Herzegovina is, and in line with the Convention of the Council of Europe/UNESCO on Recognition of Qualifications in Higher Education in the European Region (ETS No. 165, 1997).

Bosnia and Herzegovina shall accept the European strategic goals in the area of higher education, as reflected in the Declaration of the European Ministers of Higher Education from Bologna (1999), as well as the subsequent developments of this concept.

The higher education is the activity of special interest to Bosnia and Herzegovina.

#### 2. Higher Education: Goals and Significance

##### Article 3

The goals of the higher education are to:

- establish, develop, protect and convey knowledge and skills through lecturing and scientific research work and thus contribute to development of skills in individuals and the society;
- provide citizens with the opportunity, in line with legislation, to enjoy the benefits of higher education during the whole life.

## Article 4

In terms of this Law, the term “higher education” shall mean education following secondary school leading to the internationally recognized degree of higher education.

The higher education shall be based on:

- academic freedoms, academic self-administration and autonomy of universities;
- openness of universities towards public, citizens and local communities;
- indivisibility of the lecturing work and scientific research, that is, creative artistic work;
- appreciation of European humanistic and democratic values, and harmonization with the European higher education system;
- respect for human rights and civic freedoms, including ban of all forms of discrimination;
- concept of life-long education;
- interaction with the public community and the obligation of university to develop public accountability of students and other members of the academic community.

3. Cycles in Higher Education and the European Credit Transfer System (hereinafter referred to as: ECTS)

## Article 5

The higher education shall be organized in three cycles:

- the first cycle leads to the academic title of completed graduate study (the degree of Bachelor) or an equivalent, acquired following at least three and no more than four years of regular studies after acquisition of the certificate on the completed high school, which is valued with at least 180, that is, 240 ECTS credits,
- the second cycle leads to the academic title of master or an equivalent, acquired following the completed graduate study, it lasts for one or two years, and it is valued with 60 or 120 ECTS credits, and so that aggregately with the first cycle it carries 300 ECTS credits,
- the third cycle leads to the academic title of doctor or an equivalent, it lasts for three years and is valued with 180 ECTS credits.

One semester of studies carries 30 ECTS credits under each cycle.

The study of the medical group of sciences under the first cycle shall be excepted from the provisions arising from paragraph 1, of this Article, which shall be valued with up to 360 ECTS credits.

## 4. The Right to Academic Title and Function

## Article 6

With completion of the first cycle degree, one acquires the right to a specific academic title, that is, expert function in a specific area, as defined in the Rulebook on the Use of Academic Titles, and Acquisition of Scientific and Expert Degrees.

With completion of the second cycle degree, one acquires the academic title and degree of master in a specific area, as defined in the Rulebook on the Use of Academic Titles, and Acquisition of Scientific and Expert Degrees.

With completion of the third cycle degree, one acquires the academic title and the scientific degree of doctor of sciences in a specific area, as defined in the Rulebook on the Use of Academic Titles, and Acquisition of Scientific and Expert Degrees.

In addition to the degrees given as honoris causa (doctorate of science of honor), no other degrees may be given except for those envisaged in this Law, that is, in the Rulebook on the Use of Academic Titles, and Acquisition of Scientific and Expert Degrees.

## PART II – HIGHER EDUCATION INSTITUTIONS

### 1. Access to Higher Education

#### Article 7

Access to higher education shall be available to all those who have completed the four-year secondary education in Bosnia and Herzegovina.

Access to higher education within the scope of which the licensed higher education institutions operate in Bosnia and Herzegovina shall not be restricted, either directly or indirectly, based on any realistic or assumed basis such as: sex, race, sexual orientation, physical or other disability, marital status, color of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status.

#### Article 8

The pupils who have completed the high school abroad shall submit the proof of completed education, a certificate or diploma, for evaluation to the competent institution, which shall take into account the criteria and procedures for recognition of foreign qualifications, as established in line with the principles of the Convention on Recognition of Qualifications in Higher Education in the European Region.

As a rule, such certificate or diploma shall be recognized that show the level of education which is essentially not different from the education in Bosnia and Herzegovina and that grants the right to its bearer to apply for enrollment to the university and proceed with passing of the admission examination at the university in the given foreign country.

#### Article 9

Higher education may be acquired on a basis of full-time, part-time studies, or using distance learning, or using the combination of these three methods of studying, as envisaged in the statute of the higher education institution.

## 2. Higher Education Institutions

### Article 10

The higher education institutions in Bosnia and Herzegovina shall include universities and higher schools.

The term “university”:

- shall be limited to the higher education institutions involved in both lecturing and research work, offering academic degrees in all of the three cycles, with goals including improvement of knowledge, thought and education system in Bosnia and Herzegovina, education, cultural, social and economic development of Bosnia and Herzegovina, promotion of the democratic civil society and accomplishment of the highest standards in lecturing and research work;
- pertains to a higher education institution which implements at least five various study programs from at least three scientific areas – natural sciences, engineering sciences, biomedicine and health, bioengineering sciences, social sciences and humanistic sciences.

The term “higher school”:

- shall be limited to the higher education institutions accredited to issue diplomas and degrees of the first cycle, with goals including preparation and training of individuals for expert, economic and cultural development of Bosnia and Herzegovina and promotion of the democratic civil society, as well as accomplishment of high standards in lecturing and study;
- pertains to a higher education institution which implements at least one study programs from one scientific area and meets other requirements pursuant to the law.

### Article 11

Freedom may not be denied or limited for higher education institutions in terms of:

- innovating the methods for acquisition of higher education within the scopes of their licenses, and
- providing study programs for acquisition of the skills required or useful to pursue the higher education goals.

## 3. Statutes of Higher Education Institutions

### Article 12

The statute shall be the basic enactment of the higher education institution, governing the issues significant to the activity of the institution.

The statute shall be passed by the senate, with a prior obtained opinion from the administrative board of the higher education institution.

The statute of each higher education institution must be harmonized with this Law.

#### 4. University and Higher School Bodies

##### Article 13

The university bodies shall be:

- administrative board,
- senate,
- rector.

The university may have organizational units such as faculties, academies, higher schools or scientific institutes, which conduct the lecturing, scientific research and artistic work in one or more educational and scientific areas.

The organization and competencies of the organizational units shall be determined in more detail in the statute of the university.

The higher school bodies shall be:

- administrative board,
- senate,
- principal.

#### 5. Administrative Board

##### Article 14

The responsibility for operations of a licensed public higher education institution shall be borne by the administrative board of the university or higher school (hereinafter referred to as: the administrative board).

The administrative board shall perform the tasks as determined in the law and in the statute of the university, in particular:

- provide the opinions on the statute of the higher education institution, and pass the general enactments on internal organization and job systematization chart, and other general enactments pursuant to the law and statute of the higher education institution;
- pass the decisions on establishment of other legal entities, pursuant to the law and statute of the higher education institution;
- determine the financing and development plans;
- upon the proposal from the senate of the higher education institution, pass the annual work programs of the higher education institution;
- pass the financial plans and adopt the annual financial statements;
- direct, control and evaluate the work of the record or principal in the domain of financial operations;
- resolve the issues of relations with the founder;
- pass the decisions on the use of funds exceeding the amounts determined in the statute of the higher education institution;

- pass decisions on complaints of employees against the decisions of the higher education institution bodies ruling in the first instance on the rights, obligations and responsibilities of employees arising from employment;
- submit to the founder at least annual reports on operations of the higher education institution;
- also perform other tasks pursuant to the law, enactment on foundation and statute of the higher education institution.

#### Article 15

The administrative board shall have between seven and eleven members, of which at least one third shall be appointed by the founder, and the rest shall be appointed by the senate and the higher education institution, pursuant to the statute.

The senate of the university shall appoint and dismiss the members of the administrative board for a four-year mandate, in a public and transparent public competition procedure.

#### 6. Senate of the Higher Education Institution

#### Article 16

The responsibility for academic issues in the higher education institution shall lie on the senate, as the highest academic body comprised of the representatives of academic staff and students.

The senate of the higher education institution shall pass decisions in all academic issues, and in particular:

- pass decisions on the issues of lecturing, scientific, artistic and expert activities of the higher education institution;
- pass the statute of the higher education institution with a prior obtained opinion from the administrative board;
- pass general enactments in line with the law and statute of the higher education institution;
- pass the curricula for graduate, post-graduate and doctoral studies;
- elect the rector and vice-rector of the university, that is, principal of the higher school;
- perform the election of academic personnel upon the proposal of the scientific and lecturing council, that is, scientific research council of the organizational unit;
- appoint commissions in the doctorate of science acquisition procedure;
- award titles of honor of *professor emeritus* and the doctor of sciences of honor;
- provide initiatives to the administrative board for organization or cease of faculties or other organizational units at the university;
- also perform other tasks in line with the laws and the statute of the higher education institution.

The senate of the higher education institution shall pass decisions in academic issues upon the proposals from expert bodies of the organizational units, as well as from other bodies of the higher education institution and the representative bodies of students.

At least 15% of the senate members shall be students, representatives of students from each of the cycles.

The number of members, composition and proceedings of the senate shall be determined in the statute of the higher education institution.

## 7. University Rector and Higher School Principal

### Article 17

The university shall be managed by the rector, and the higher school shall be managed by the principal, pursuant to the law and the statute of the higher education institution.

The university rector, that is, the higher school principal shall report to the senate for their work in the domain of academic issues, and to the administrative board in the domain of operations.

The university rector, that is, the higher school principal shall perform the tasks determined in the law and the statute of the higher education institution, and in particular:

- represent the higher education institution;
- organize and manage the work of the university, that is, higher school, and shall be responsible for the legality of such work;
- pass individual enactments pursuant to the law and statute of the higher education institution;
- propose general enactments pursuant to the law and statute of the higher education institution;
- propose measures for work improvement to the bodies of the higher education institution;
- propose to the administrative board the measures for effective and legal performance of activity of the higher education institution;
- propose the basic work and development plans of the higher education institution;
- propose to the administrative board the internal organization and job systematization chart;
- implement the decisions of the administrative board and other bodies of the higher education institution;
- pass decisions on the use of funds up to the amount determined in the statute of the higher education institution;
- pass decisions on the rights, obligations and responsibilities of employees arising from such employment;
- submit reports to the administrative board on the financial operations of the higher education institution;
- issue orders for execution of the financial plan;
- take part in the work of the Rectors' Conference of Bosnia and Herzegovina;
- also perform other tasks pursuant to the law and the statute of the higher education institution.

### Article 18

The rector of the public university shall be elected by the senate based on a public competition.

The person elected to be rector may be a teacher in the scientific and lecturing function of the full-time professor, meeting the requirements for such function at the university of their application.

The person elected to be principal of the public higher school may be a person who meets the requirements for a teacher of such higher school.

The rector, that is, principal, shall be elected for a four-year mandate and may be reelected.

## 8. Legal Subjectivity and Institutional Autonomy

### Article 19

Unless the law provides otherwise, any licensed public higher education institution, either a university or a higher school, shall have the full legal subjectivity in connection with such issues that are the subject of this Law, including the powers to:

- dispose with and manage the land and buildings in its ownership, pursuant to the applicable laws;
- receive and manage funds from any legal sources;
- determine and collect school fees and other fees pursuant to the law;
- hire staff;
- conclude commodity and service contracts;
- establish legal relations with students;
- establish commercial enterprises for education and research purposes;
- conclude agreements with other higher education institutions in Bosnia and Herzegovina and abroad;
- conclude contractual relations with business entities in public-private partnership;
- have other powers required for effective performance of its functions.

All funds received from the budget, proper revenues, collected school fees and funds from other sources shall belong to the higher education institution and shall be expended pursuant to the law, statute and the adopted financial plans.

### Article 20

The statute of the higher education institution shall envisage the organizational structure within the institution, consisting of the units that may be faculties, institutes, centers, academies or schools.

Aimed at promotion and ensuring of integration of the academic, financial and spatial planning and development of the institution, one year after effectiveness of this Law such units shall no longer have the legal subjectivity independently from the institution. In the transition period, from effectiveness of this Law, the faculties that already have the status of legal entities pursuant to the current legislation may retain such status, but may not incur financial liabilities beyond the stated transitional period.



Aimed at promotion of incentives from the units, the statute of the institution shall specify the method and the extent to which the units shall have academic and financial powers and undertake responsibility within the institution. The statute governs the issues related to opening of the treasury sub-account of the organizational unit, the method of presentation of the organizational units on the market, method of disposal with the funds generated on the market, through donations or in any other way beyond the budget funding.

#### Article 21

Higher education institutions shall enjoy the freedom in the lecturing and scientific research work within the scopes of their licenses, without interference by the public authorities.

A separate law shall govern the issues of scientific research work.

The scientific research work at higher education institutions may be co-financed from the budget funds of the BiH institutions and the international liabilities of BiH, pursuant to the applicable state-level legislation.

#### Article 22

Pursuant to the provisions of this Law, higher education institution shall be entitled to:

- elect their administrative and management bodies and set their mandates;
- regulate their structures and activities using their own rules, pursuant to this Law, other applicable laws, and their statutes;
- elect the lecturing and other staff;
- admit students and set lecturing methods and methods for verification of students' knowledge;
- autonomously develop and apply the curricula and research projects;
- within the scope of the financial funds available, select the subjects to lecture;
- at universities, award titles to professors and to other staff;
- determine one or more languages of the constitutive peoples of Bosnia and Herzegovina as their official language or languages.

#### Article 23

The facilities of licensed higher education institutions shall be inviolable.

Without approval from the university rector, higher school principal or a person authorized by them, the police and other prosecution and crime prevention authorities shall have no access to universities or higher schools.

As an exception, in order to prevent crimes or stop execution of crimes, necessary measures may be undertaken, provide that the university administration or higher school administration should be immediately informed of the actions undertaken.

### 9. Rights and Obligations of Academic Staff

#### Article 24

Each higher education institution shall include into its statute or another equivalent core document that academic staff shall enjoy the freedom, within the framework of the law, to examine and test the knowledge acquired and to provide new ideas or controversial or unpopular opinions, without thus being exposed to the danger of losing employment or any other benefit they may enjoy at the higher education institution.

The right of the academic staff at higher education institutions to freedom of speech may only be restricted by the law.

#### Article 25

The statute of each public higher education institution and the core document of each private higher education institution, as a precondition for accreditation, shall also contain the provisions which:

- ensure to the personnel the freedom of organization and gathering pursuant to the law;
- protect the personnel from discrimination on any basis, such as: sex, race, sexual orientation, marital status, color of skin, language, faith, political or any other opinion, national, ethnic or social origin, links to some national communities, property, birth or any other status.

#### Article 26

Academic staff of higher education institutions shall have the right to publish the results of their research work, pursuant to the rules the university maintains in relation to the use of intellectual property rights in favor of the university and in respecting third party rights.

#### 10. Academic Titles

#### Article 27

Higher education institutions shall award academic titles, which may be lecturing, scientific and lecturing, or artistic ones.

Universities shall award scientific lecturing and artistic titles, as follows:

- full-time professor
- part-time professor
- associate professor
- lector
- senior assistant
- assistant

Higher schools shall award lecturing and artistic titles, as follows:

- higher school professor
- higher school lecturer
- assistant.

#### 11. Election of Academic Staff

## Article 28

The minimum requirements for election of academic staff into scientific lecturing functions at higher education institutions shall be:

- assistant: appropriate university degree with at least 240 ECTS credits and the lowest average grade of 8, or 3.5;
- senior assistant: second cycle degree (master's);
- lector: second cycle degree (master's);
- associate professor: scientific doctoral degree in the given area, at least three (3) scientific works published in recognized publications, proven lecturing skills;
- part-time professor: at least one election period spent in the function of associate professor, and at least five scientific works published in recognized publications, a book published and original expert success such as a project, patent or original method, all of these being after election into the function of associate professor, mentoring of applicants for the second cycle degree;
- full-time professor: at least one election period spent in the function of part-time professor, at least two books published, at least eight scientific works published in recognized publications, all of these being after acquisition of the title of part-time professor, and successful mentoring of applicants for the second and third cycle degrees.

## Article 29

The minimum requirements for election into artistic lecturing functions into which academic staff is elected at the study profiles at universities, if the artistic criterion is of particular significance to the lecturing subject, shall be:

- assistant: completed first cycle degree with at least 240 ECTS credits and the average grade of 8, or 3.5;
- senior assistant: completed second cycle degree, that is, first cycle degree and publicly presented forms of artistic creation;
- associate professor: completed at least first cycle degree, a larger number of publicly presented forms of artistic creation and results proven in the lecturing work;
- part-time professor: completed at least first cycle degree, a larger number of publicly presented forms of artistic creation, recognitions for successful activity in the appropriate art area and results proven in the lecturing work;
- full-time professor: completed at least first cycle degree, a larger number of publicly presented forms of artistic creation that have significantly contributed the development of culture and art and to development of the lecturing and artistic human resources.

## Article 30

The minimum requirements for election into lecturing functions at higher schools shall be:

- assistant: completed first cycle degree, with the lowest average grade of 8 or 3.5;
- higher school lecturer: completed second cycle degree and proven lecturing skills;
- higher school professor: completed third cycle degree and proven lecturing skills.

Persons with functions of full-time professors, part-time professors and associate professors elected at universities may also lecture at higher schools.

#### Article 31

The minimum requirements for election into artistic functions at higher schools shall be:

- assistant: completed first cycle degree, with the lowest average grade of 8 or 3.5;
- higher school lecturer: completed at least first cycle degree, clearly presented forms of artistic creation, and proven lecturing skills;
- higher school professor: completed first cycle degree, prominent clearly presented forms of artistic creation, and proven lecturing skills.

Persons elected for artistic lecturing subjects at universities may also lecture at higher schools.

#### Article 32

During election into the same or higher function, consideration shall be only made of the published works, books and results of proper research in application, projects, and mentorships, that is, clearly presented forms of artistic creation in the period since the last election.

#### Article 33

The period for which academic staff shall be elected at the university shall be:

- assistant for a period of four years, without the possibility of reelection;
- senior assistant for a period of five years, with the possibility of reelection exclusively if they acquire the third cycle degree;
- lector for a period of five years, without the possibility of reelection;
- associate professor for a period of five years, with the possibility of reelection;
- part-time professor for a period of six years, with the possibility of reelection;
- full-time professor, indefinitely.

The full-time professor shall conclude an employment agreement for an undefined period.

The period for which academic staff shall be elected at the higher schools shall be:

- assistant for a period of four years, without the possibility of reelection;
- higher school lecturer for a period of five years, with the possibility of reelection;
- higher school professor, indefinitely.

The academic staff shall conclude employment agreements with the higher education institution for a defined period, specifically for the period of their election. After expiry of such period, the higher education institution shall be obligated to conclude new employment agreements with each member of the academic staff elected into the same or higher academic function.

#### Article 34

Election of academic staff shall in all cases be conducted through a public competition, in line with the criteria determined in the law, statute of the higher education institution and the generally accepted standards in the given profession.

#### Article 35

Protection of rights of academic and other staff at higher education institution shall be exercised pursuant to the statute and other enactments of the higher education institution. Dispute may be instituted before the competent court against the final decision of the higher education institution.

### 12. Rights and Obligations of Students

#### Article 36

Students admitted and enrolled into the higher education institution shall enter into a contractual relation with such institution.

Students shall have the following rights, which may be additionally developed in the statute of the institution:

- to attend all lectures, seminars and other forms of lecturing organized within their subjects, in line with their position and depending on the possibilities and other forms of organized lecturing;
- to use libraries and other services for students available at the institution;
- to take part in elections for student posts at student representative and other bodies established pursuant to the statute of the institution, and
- the right to have credits recognized and transferred between the accredited higher education institutions in Bosnia and Herzegovina.

#### Article 37

Students enrolled into university or higher school shall be obligated to:

- comply with the rules established by the institution;
- show due respect towards the rights of staff and other students;
- show due and full attention to their study and take part in academic activities.

#### Article 38

The statute or another equivalent core document of any higher education institution shall contain the provisions that:

- ensure the freedom of students, within the framework of the law, to examine and test the knowledge acquired and to provide new ideas or controversial or unpopular opinions, without thus being exposed to the danger of losing their status or any other benefit they may enjoy at the institution;
- ensure for students, pursuant to the law, the freedom of speech, organization and gathering;

- protect students against discrimination on any basis, such as: sex, race, sexual orientation, physical or other disability, marital status, color of skin, language, religion, political or other opinion, national, ethnic or social origin, affiliation with an ethnic community, property, birth, age or any other status;
- provide fair and impartial mechanisms for addressing of disciplinary issues pertaining to students.

#### Article 39

Students shall have the right to present their opinions in terms of the quality of lecturing or other services of the institution, and the statute shall contain the provisions for fair addressing of such complaints.

The circumstances based on which students may be dismissed for academic or disciplinary reasons, as well as the appeal procedures, shall be developed in the statute of the institution.

Students shall have the right to contest before the competent court all the final decisions of the higher education institution referred to in paragraph 2, of this Article, as pertain to them.

#### Article 40

The statute or another core document of the higher education institution shall envisage establishment of the student representative body.

The representative body shall represent the interests of students and shall contribute to the societal, cultural, academic or physical and recreational needs of students, based on democratic principles and pursuant to the law.

Student representative bodies may establish the association of student representative bodies in Bosnia and Herzegovina, through which membership shall be realized in international organizations and students' associations.

#### Article 41

The student status shall cease following completion of the study program and following receipt of the degree for which education is pursued, following leaving of the higher education institution before the completion of studies, that is, when the student fails to enroll in the next year of studies, or fails to renew enrollment into the same year within the prescribed period, and their student rights and obligations shall not be at rest.

The full-time student status may also cease if the higher education institution pronounces such a disciplinary measure. The full-time student status shall also cease when the full-time student has twice renewed the same study year and fails to meet the requirements for enrollment into the higher year of study.

### PART III – INSTITUTIONS IN THE AREA OF HIGHER EDUCATION

#### 1. Ministry of Civil Affairs of BiH

#### Article 42

The Ministry of Civil Affairs of BiH shall be responsible for enforcement of this Law and for:

- coordination and development of the higher education in Bosnia and Herzegovina, in consultation with other competent ministries;
- promotion of integration of the lecturing and research work, and stimulation of research programs at universities;
- promotion of student and staff mobility in the area of higher education in Europe and worldwide;
- promotion of equal opportunities of access to higher education, expert development and training, life-long learning and all other higher education aspects;
- support to and encouragement of stronger networking among the sectors of higher education, industry, businesses and society.

## 2. Rectors' Conference of Bosnia and Herzegovina

### Article 43

The Agreement between the Universities shall establish the Rectors' Conference of Bosnia and Herzegovina (hereinafter referred to as: the Rectors' Conference).

The Rectors' Conference shall determine and represent the common interests of the universities in Bosnia and Herzegovina, and shall pursue cooperation with the education institutions in Bosnia and Herzegovina.

The full membership of the Rectors' Conference may also include the rectors of licensed and accredited universities in Bosnia and Herzegovina.

The Rectors' Conference shall be financed from the contributions from the members of the Rectors' Conference, and other revenues it may generate.

The Rectors' Conference shall also serve as an advisory body for implementation of the higher education reform process.

The Rectors' Conference shall pass decisions by consensus.

## 3. Center for Information and Recognition of Documents

### Article 44

This Law hereby establishes the Center for Information and Recognition of Documents in the area of higher education (hereinafter referred to as: the CIP).

The CIP shall be an autonomous administrative organization, and it shall be competent for information and recognition tasks in the area of higher education, under the scope of the Convention on Recognition of Diplomas in Higher Education (hereinafter referred to as: the Lisbon Convention).

### Article 45

The CIP shall be competent for:

- information and recognition in the area of higher education;
- coordination and international exchange of academic staff, students and programs in the area of higher education;
- representation of Bosnia and Herzegovina in international projects in the area of higher education from its scope of competency;
- through the international network of information centers (the ENIC/NARIC network), provision of information to the higher education institutions in BiH related to foreign higher education institutions and programs, as the basis for recognition of degrees and diplomas for the purpose of further education at higher education institutions in BiH, and representation of Bosnia and Herzegovina in such networks;
- provision of notifications and opinions on foreign degrees and diplomas in Bosnia and Herzegovina for the purpose of continued education at higher education institutions in BiH;
- provision of advice and information on the issues from its scope of activity to parties with legitimate interest;
- pursuant to the Lisbon Convention and its accompanying documents, submission of recommendations to the ministry of the Republika Srpska, the cantonal ministries and the Brcko District of BiH on recognition of diplomas acquired outside BiH for the purpose of employment, continued education and pursuing of other rights arising from the qualification acquired.

#### Article 46

The proceedings of the CIP shall be governed in the statute.

The approval for the statute of the CIP shall be given by the Council of Ministers of BiH.

The CIP shall be managed by the director who, following the completed public competition, shall be appointed by the Administrative Board of the CIP. The director shall be appointed for a four-year mandate.

The CIP shall be administered by the Administration Board consisting of seven members. The Council of Ministers of BiH shall elect the Administration Board following the completed public competition on a parity basis. Two representatives of each of the constitutive peoples and one representative of ethnic minorities shall be elected into the Administration Board.

The members of the Administration Board of the CIP shall be appointed for a three-year mandate with the possibility of reelection, provided that initial appointment is conducted in phases, so that every year one third of the members should be reelected or newly appointed.

The Administration Board shall pass decisions with majority votes of the total number of members provided that such majority consists of one vote each of the representatives of each of the constitutive peoples.

The CIP shall be financed from the budget of the BiH institutions.

#### 4. Agency for Development of Higher Education and Quality Assurance



## Article 47

This Law hereby establishes the Agency for Development of Higher Education and Quality Assurance (hereinafter referred to as: the Agency).

The Agency shall be an autonomous administrative organization.

## Article 48

The Agency shall be competent for:

- determination of clear, transparent and accessible criteria for accreditation of higher education institutions and passing of norms determining the minimum standards in the area of higher education;
- determination of criteria for selection of domestic and international experts who provide evaluation and perform the quality review and provide recommendations on accreditation of higher education institutions;
- provision of recommendations on the criteria and standards to the ministry of the Republika Srpska, cantonal ministries and the Brcko District of BiH for establishment and closing of higher education institutions, and for restructuring of study programs;
- provision of recommendations on the criteria for licensing of higher education institutions and study programs;
- provision of recommendations on the lowest school fees for all students at accredited higher education institutions, aimed at harmonization of the lowest school fees on the whole territory of Bosnia and Herzegovina;
- provision of advice on the work and development policy to the ministry of the Republika Srpska, cantonal ministries and the Brcko District of BiH;
- provision of advice and information on the issues from its scope of competency to the interested parties;
- determination of quality standards, analysis of quality, provision of recommendations for removal of omissions in the quality of studies and higher education institutions;
- representation of Bosnia and Herzegovina in international organizations for quality in higher education;
- proposing of general guidelines and criteria based on which funds may be allocated from the budget of the BiH institutions to higher education institutions for scientific research work;
- passing of rulebooks and other enactments from its scope of competency.

### Accreditation of Higher Education Institutions

## Article 49

In the area of accreditation, the Agency shall be competent for:

- issuance of public competitions for selection of domestic and international experts who provide evaluation and perform the quality review and provide recommendations on accreditation of higher education institutions, that is, of their study programs (hereinafter referred to as: the experts);
- establishment of the commission to determine the list of experts meeting the criteria referred to in Article 48, line item 2, of this Law. The commission shall consist of five

members, including one representative each of the Rectors' Conference, one cantonal ministry, ministry of the Republika Srpska, Brcko District of BiH, and the representative of the Agency;

- submission of the established list of experts for adoption to all the ministries of education in Bosnia and Herzegovina, and to the competent department of the Brcko District of BiH;
- appointment of the expert commission, based on the proposal by the competent education authorities, in terms of selection of experts from the established list of experts;
- provision of recommendation to the competent education authorities on accreditation of higher education institutions or study programs, based on the opinion of the expert commission;
- procedure and decision on accreditation and licensing of higher education institutions as passed by the ministry of the Republika Srpska, cantonal ministries and the Brcko District of BiH, pursuant to Article 48, line item 1, of this Law;
- evaluation of conformity of decisions on accreditation with the norms and criteria referred to in Article 48, line item 1, of this Law, and in case of inconformity found, provision of recommendation to the Administration Board for undertaking of further measures, until the measure of annulment of the decision on accreditation. The appeal against the decision annulling the decision on accreditation shall be submitted by the competent education authorities to the Administration Board of the Agency;
- maintenance of the state registry of accredited higher education institutions;
- permanent availability at its website of the list of accredited higher education institutions in Bosnia and Herzegovina and its publication at least annually in the "Official Bulletin of BiH", and at least twice annually in three high-circulation dailies.

#### Format and Contents of the Diploma and Diploma Addendum

##### Article 50

The Agency shall pass the instruction on the format and contents of the diploma and diploma addendum as issued by the accredited higher education institutions.

#### Statute and Bodies of the Agency

##### Article 51

The proceedings of the Agency shall be governed in the statute.

The approval for the statute of the Agency shall be given by the Council of Ministers of BiH.

The Agency for Development of Higher Education and Quality Assurance shall be managed by the director.

Upon completed public competition, the director and his deputies shall be elected by the Council of Ministers of BiH.

The mandate of the director and his deputies shall be four years.

The director and deputy directors may not be coming from the same constitutive people.

The Agency shall be administered by the Administration Board consisting of ten members.

The Administration Board shall include three members each from all of the three constitutive peoples and one member from among the others.

The members of the Administration Board of the Agency shall be elected by the Parliamentary Assembly of BiH for a three-year mandate with the possibility of reelection, provided that initial appointment should be conducted in phases, so that every year one third of the members be reelected or newly appointed.

The Administrative Board shall pass decisions by majority votes of the total number of members, provided that such majority includes at least two thirds of votes of the representatives of each of the constitutive peoples.

The Administration Board shall include at least 50% of full-time university professors.

#### Financing of the Agency

#### Article 52

The Agency shall be financed from the budget of the BiH institutions and from its proper revenues.

### PART IV – ACADEMIC DEGREES AND DIPLOMAS

#### 1. Award of Academic Degrees and Diplomas

#### Article 53

The accredited higher education institution shall be authorized to award academic degrees and diplomas as stated in its certification on accreditation.

The statute of the higher education institution shall state the academic degrees and diplomas awarded by the institution and shall include the authorization for passing of academic and other rules for award of such degrees and diplomas.

The first cycle degree and other programs leading to the diploma offered by the public higher education institution shall be established in a flexible manner, so as to allow entry and exit at appropriate stages, with award of credits and/or qualifications, depending on the progress made by the student.

In formulation of rules, the public higher education institution shall ensure respecting of the applicable European credit transfer system.

Except for this, the higher education institution shall enjoy freedom in organization of its curricula, knowledge verification and evaluation schemes, through rules which shall be transparent, fair and easily accessible to students.

#### Article 54

For the purpose of employment or a public function, the competent state authorities and other authorities and organizations in Bosnia and Herzegovina shall recognize only such academic degrees and diplomas as issued by accredited higher education institutions.

The duty of the accredited higher education institution shall be to issue the diploma and diploma addendum, certified with the seal of the higher education institution, to every person to whom it has awarded the academic degree or diploma.

#### Article 55

After having been awarded, the academic degree or diploma may be cancelled only under special circumstances given in the rules contained in the statute of the higher education institution and appeal against such decision may be filed before the competent court.

In consultation with other relevant government bodies, the Ministry of Civil Affairs of BiH may, in the form of rules, prescribe the education requirements which constitute addendum in terms of the academic degree or diploma, for entry into any profession which may be governed in a different law, or in terms of any international convention or treaty.

### PART V – FINAL PROVISIONS

#### 1. Scientific and Expert Knowledge Acquired

#### Article 56

The persons who have acquired specific scientific and expert titles shall retain the right to use them in compliance with the legislation pursuant to which they have acquired them.

The persons referred to in paragraph 1, of this Article, may seek from the higher education institution at which they have acquired such titles to issue to them, under the procedure and under the requirements provided in the statute of the higher education institution, a document (certificate or diploma) on equivalency of the previously acquired academic title with the new academic titles. The persons referred to in paragraph 1, of this Article, shall be entitled to have the addendum to diploma issued for them.

The doctorates of science acquired according to the legislation in force before effectiveness of this Law shall be equivalent to the doctorates of sciences acquired according to this Law, and the persons who have acquired them shall have the same rights as the persons who have acquired doctorates of science according to this Law.

#### Article 57

The persons elected into academic functions who have had such functions as of the date of effectiveness of this Law shall retain them.

If this Law or the legislation applicable prior to its effectiveness for the found functions or posts require reelection or election into a higher function, reelection or election procedure into the same function shall be conducted within the period envisaged in the regulation according to which election was conducted. If such regulation does not foresee any periods, elections or

reelections, it shall be conducted in the period as envisaged in this Law and it shall be counted from the date of its effectiveness. In any case, reelection or election shall be conducted according to the provisions of this Law.

Elections into academic functions started according to the provisions of the legislation applicable prior to effectiveness of this Law shall be completed according to such legislation, no later than within one year from the date of effectiveness of this Law.

## 2. Harmonization of Studies with this Law

### Article 58

The higher education institutions shall start harmonizing studies with this Law as of the date of its effectiveness. Systematization shall complete and the organization of studies shall begin according to the provisions of this Law within one year from the date of its effectiveness, and as of such time, the ECTS system shall also be introduced as mandatory.

## 3. Right to Complete Studies

### Article 59

The students enrolled into graduate and post-graduate studies as of the date of effectiveness of this Law shall have the right to complete the studies according to the curricula and conditions applicable at the time of enrollment into the first year of studies and to acquire the appropriate expert or scientific titles according to the legislation applicable prior to effectiveness of this Law.

The students who have received approval for their doctoral thesis without the doctoral studies according to the prior legislation shall have the right to defend their doctoral thesis and to acquire the doctorate of sciences according to the legislation applicable prior to effectiveness of this Law.

The higher education institutions may limit the duration of the right to complete the studies pursuant to paragraph 2, of this Article, to a certain number of years, but not less than the number of years that the student has left to complete the studies according to the program pursuant to which they have started the study, increased by two years.

Following introduction of studies according to this Law, the students referred to in paragraph 2, of this Article, who fail to complete the study according to the old study curricula may continue their study according to this Law and the program based on it, in line with the statute of the higher education institution.

## 4. Harmonization of Statute and Integration of Universities

### Article 60

The higher education institutions shall harmonize their statutes and other general enactments required for harmonization of the organization with this Law within six months from the date of its effectiveness.

The members of administrative bodies, rectors and vice-rectors of higher education institutions, and deans and vice-deans of faculties elected prior to effectiveness of this Law shall remain at same posts until the expiry of the mandates for which they have been elected.

Integration of higher education institutions shall begin as of the date of effectiveness of this Law, and shall complete within one year from its effectiveness.

#### 5. Transitional Period for Accreditation and Licensing

##### Article 61

Once this Law comes into effect, the existing higher education institutions shall receive temporary accreditations from the competent institution. The temporary accreditation shall set forth the period in which accreditation shall be completed for each of the programs studied at such higher education institutions, all in line with the criteria and procedures for accreditation and standards.

Accreditation of higher education institution shall be completed within no longer than two years from the date of effectiveness of this Law.

#### 6. Appointment of Acting Directors and Periods for Passing of Legislation

##### Article 62

Within six months from the date of effectiveness of this Law, the Council of Ministers of BiH shall appoint administrative boards and acting directors of the CIP and the Agency.

Within the period of one year, the Agency shall pass the regulations from its scope of competency.

#### 7. Harmonization of Other Laws

##### Article 63

The laws of the Republika Srpska or cantonal laws in the area of higher education shall be harmonized with the provisions of this Law within the period of six months from its effectiveness.

Any issues from the area of higher education not governed in this Law shall be governed in the laws at the levels of the Republika Srpska and the cantons.

#### 8. Associate School Status

##### Article 64

The law of the Republika Srpska and the laws of the cantons shall address the status of the former associate schools no later than within the period of one year from the date of effectiveness of this Law.

The students enrolled into senior years and study departments in the two-year duration, prior to effectiveness of this Law, shall have the right and obligation to complete the started studies according to the curricula applicable at the time of their enrollment, within the periods determined in the statutes of such institutions.

#### 9. Theological Faculties, Higher Theological Schools and Academies

##### Article 65

The provisions of this Law do not pertain to theological faculties, higher theological schools and academies. These institutions may be affiliated with universities, which shall be regulated through separate agreements.

#### 10. Effectiveness

##### Article 66

This law shall come into effect on the eighth day from the date of its publishing in the “Official Bulletin of BiH”.

Parliamentary Assembly of BiH, no. 94/07  
July 30, 2007  
Sarajevo

Speaker  
Of the House of Representatives  
Of the Parliamentary Assembly of BiH  
Beriz Belkic, in person

Speaker  
Of the House of Peoples  
Of the Parliamentary Assembly of BiH  
Ilija Filipovic, in person