

THE ACT ON SCIENTIFIC ACTIVITY AND HIGHER EDUCATION

I. GENERAL PROVISIONS

Subject Matter of Stipulation

Article 1

- (1) This Act shall stipulate the systems of scientific activity and higher education.
- (2) In the spirit of this Act the term scientific activity implies both scientific and developmental research.

Basic Principles of Science and Higher Education

Article 2

- 1) Scientific activity and higher education shall represent activities of special interest for the Republic of Croatia, and make an integral part of international, especially European, scientific, artistic and education sector.
- 2) Scientific activity shall be based on:
 - freedom and autonomy of creation;
 - ethics of scientists;
 - openness to the public;
 - links to the system of education;
 - international standards of quality;
 - encouraging and respecting specific national content;
 - protection of intellectual property.
- 3) Higher education shall be based on:
 - academic freedom, academic self-governance and university autonomy;
 - openness of higher education institutions to the public, citizens and local community;
 - integrity of university teaching and scientific research, or artistic endeavour, respectively;
 - reciprocity and partnership among all members of the academic community;
 - European humanistic and democratic tradition, as well as harmonisation with the European higher education system;
 - respect and affirmation of human rights;
 - unity of professional and educational work aimed at training for specific professional knowledge and skills;
 - a life-long learning concept;
 - links to secondary education; and
 - interaction with the community, and obligation of universities, polytechnics, schools of professional higher education and public scientific research institutes to develop social responsibility of students and other members of the academic and scientific community.

**Mission of Higher Education Institutions
and Public Scientific Research Institutes
Article 3**

- 1) The mission of the university shall be scientific, artistic and developmental research, especially the implementation of scientific research programs of strategic interest to the Republic of Croatia; artistic endeavour and professional work, as well as undergraduate, graduate and postgraduate education based on them. A university shall accomplish its mission in accordance to the needs of its local community.
- 2) The mission of schools of professional higher education and polytechnics shall be professional higher education, artistic and professional activities in accordance to the needs of their local community.
- 3) The mission of public scientific research institutes shall be scientific research. Particularly, public scientific research institutes shall implement scientific research programs of strategic interest to the Republic of Croatia, and along with universities, establish scientific research infrastructure of interest to the overall system of scientific activity and higher education. Public scientific research institutes shall participate in the process of higher education pursuant to this Act.

**Academic Community and Its Freedom
Article 4**

- 1) The academic community shall include all teachers, associates, students and other participants of the higher education process.
- 2) Higher education in the Republic of Croatia shall be based on academic freedom, academic self-governance and university autonomy, pursuant to the Constitution, international agreements, and this Act.
- 3) Academic freedom shall belong to all members of the academic community, and they shall include freedom of scientific and artistic expression and endeavour, teaching, mutual co-operation and partnerships, pursuant to the Constitution of the Republic of Croatia, international agreements, and this Act.
- 4) Academic self-governance at higher education institutions in the Republic of Croatia shall include:
 - setting rules for studying and student enrolment;
 - appointment of heads and teachers;
 - managing resources available to higher education institutions.
- 5) Pursuant to this Act, university autonomy at all higher education institutions in the Republic of Croatia shall include:
 - stipulating internal organisation;
 - establishing educational, scientific, artistic and professional programs,
 - financial autonomy pursuant to this Act;
 - decisions on approving projects and international co-operation;
 - other forms of autonomy, pursuant to this Act.
- 6) Academic freedom, academic self-governance and university autonomy shall also include responsibility of the academic community to its local community.

Application of Regulations on Institutions
Article 5

- 1) Unless stipulated otherwise by this Act, provisions of the Act on Institutions shall apply to higher education institutions and institutions within the system of scientific activity.
- 2) Institutions within the system of scientific activity and higher education may establish associations of institutions, pursuant to the Act on Institutions. Associations established in such a manner shall have rights and obligations in reference to their units, pursuant to their foundation charter and their statutes.
- 3) The association of universities shall be an institution established by two or more universities, entitled to all rights and obligations of a university, pursuant to this Act and the Act on Institutions. A foundation charter and its statute shall determine its organisation.

**II. NATIONAL SCIENCE COUNCIL AND
NATIONAL COUNCIL FOR HIGHER EDUCATION**

Tasks of the National Science Council
Article 6

- 1) The National Science Council is the highest advisory body responsible for development and quality of the overall scientific activity and the system of science in the Republic of Croatia;
- 2) The National Science Council:
 1. discusses issues important for the scientific activity, proposes and encourage adopting measures for its advancement;
 2. delivers its opinion on the regulations for evaluation of scientific research organisations to the Minister responsible for science and higher education (hereinafter: the Minister), , ;
 3. monitors the quality of scientific organisations and assesses them pursuant to this Act and established criteria;
 4. follows the development and determines areas, fields and disciplines of scientific research and arts;
 5. appoints councils for respective scientific and artistic areas, as well as committees for specific fields;
 6. establishes detailed requirements for obtaining qualifications that enable the entry in the scientific profession, pursuant to this Act;
 7. establishes requirements that need to be met by scientific research organisations in order to be authorised for conducting the procedure of appointment into scientific grades of scientific professions;
 8. proposes a proclamation of scientific research centres of excellence and carries out their assessment;
 9. provides opinion on the establishment of science-technology parks, and
 10. performs other tasks stipulated by this Act and other regulations.

Tasks of the National Council for Higher Education
Article 7

- 1) The National Council for Higher Education is the highest advisory body responsible for development and quality of the overall higher education system in the Republic of Croatia.
- 2) The National Council for Higher Education:

1. proposes and encourages the adoption of measures for the advancement of higher education;
2. proposes a plan for creating a network of public higher education institutions in the Republic of Croatia;
3. gives its concordance to the requirements of the Rector's Conference and the Council of Polytechnics and Schools of Professional Higher Education for obtaining qualifications that will enable one to teach in science, art and education;
4. delivers its opinion about the regulations on standards and criteria for establishing and assessing higher education institutions and programs to the Minister ;
5. appoints evaluators and delivers its opinion on the establishment of new higher education institutions and programs;
6. assesses higher education institutions and programs, and proposes the issuing of accreditations to the Minister (Article 51);
7. performs other tasks stipulated by this Act and other regulations.

Joint Tasks of the National Science Council and
the National Council for Higher Education
Article 8

1. The National Science Council and the National Council for Higher Education collaboratively:
 - 1) propose to the Government of the Republic of Croatia the criteria and relationships of the distribution of government budget resources allocated for scientific activity and higher education;
 - 2) discuss issues related to the polycentric system of scientific activity and higher education in the Republic of Croatia, as well as propose and encourage measures for its development;
 - 3) propose and encourage measures for participation of other stakeholders, especially other government administration bodies, local-governments, as well as industry entities in the system of scientific activity and higher education;
 - 4) propose measures and carry out activities aimed at affirmation and progress of young researchers and teachers;
 - 5) appoint members of the Board for Financing Scientific Activity and Higher Education,
 - 6) nominate members of the Ethics Committee;
2. Joint sessions of the National Science Council and the National Council for Higher Education shall be chaired alternatively by their presidents with a one-year term, effective from the day of the first appointment of these councils according to this Act. Joint sessions of the National Science Council and the National Council for Higher Education shall be held at least once a year.

Structure of the National Science Council
Article 9

- 1) The National Science Council shall have a president and 12 members: four scientists appointed into the grade of scientific adviser employed at scientific research institutes, six full professors, and two members outside the system of scientific activity and higher education.
- 2) President and members of the National Science Council shall have a four-year term of office.
- 3) The National Science Council shall invite the Minister and, if necessary, other members of the Government of the Republic of Croatia, to attend their sessions and participate in the discussion without voting rights.

Composition of the National Council for Higher Education
Article 10

- 1) The National Council for Higher Education shall have a president and 12 members: seven university professors (one in the field of teacher education), two professors at a school of professional higher education, two scientists employed at a scientific research institute, and two members outside the system of scientific activity and higher education.
- 2) Members of the National Council for Higher Education shall have a four-year term of office.
- 3) The National Council for Higher Education shall invite the Minister and, if necessary, other members of the Government of the Republic of Croatia, to attend their sessions and participate in the discussion without voting rights.

Procedure for Appointing Members of the National Science Council and the National Council for Higher Education
Article 11

- 1) Members of the National Science Council and the National Council for Higher Education and their presidents shall be appointed by the Croatian State Parliament based on the proposal of the Government of the Republic of Croatia, considering the representation of the representatives of all areas of science and arts, as well as regional and industrial representation.
- 2) Members of the National Science Council shall be eminent scientists particularly those with articles published in prestigious international journals engaged in more than one scientific field.
- 3) According to Para. 1 of this Article the Croatian Parliament shall appoint six members of the National Science Council and the National Council for Higher Education every two years. Their presidents shall be appointed for a four-year term.
- 4) Candidates for members and presidents of the National Science Council and the National Council for Higher Education are determined by the Government of the Republic of Croatia based on proposals submitted by scientific research institutes, Rectors' Conference, university senates, Council of Polytechnics and Schools of Professional Higher Education, Croatian Academy of Arts and Sciences, Croatian Chamber of Commerce, associations of employers, unions in the area of science, as well as scientists and members of the academic community based on a public call for nominating candidates.
- 5) State officials cannot be members of either the National Science Council or the National Council for Higher Education.

Dismissing Members of the National Science Council and the National Council for Higher Education
Article 12

- 1) A president or a member of the National Science Council and the National Council for Higher Education may be dismissed by the Croatian State Parliament following the proposal of the Government of the Republic of Croatia and the National Science Council or the National Council for Higher Education, respectively, before their term of office expires if a president or a member:
 1. request it of their own accord;
 2. accept a duty that is in a conflict with serving in the National Science Council or the National Council for Higher Education, respectively;
 3. fail to comply with his/her duties;
 4. lose his/her capacity to perform these duties;

5. behave in a manner unbefitting of the esteem of these duties.
- 2) In case of a dismissal laid down in Para. 1. of this Article, following a proposal of the Government of the Republic of Croatia, the Croatian State Parliament shall appoint a new president or member with the term of office lasting until the end of the term of a dismissed president or member. A new president or member shall be nominated based on previously collected proposals pursuant to Article 11, Para. 4. of this Act.

**Operation and Decision - Making by the National Science Council and
the National Council for Higher Education
Article 13**

- 1) The National Science Council and the National Council for Higher Education shall adopt their rules of procedure pursuant to this Act and other regulations.
- 2) The National Science Council and the National Council for Higher Education may establish their working bodies to discuss a certain issue of monitor certain area. Individuals who are not members either of the National Science Council or the National Council for Higher Education may participate in the work of those bodies.
- 3) In the course of discussing issues under their jurisdiction the National Science Council and the National Council for Higher Education may request opinion of a relevant ministry or experts.
- 4) Members of the National Science Council and the National Council for Higher Education, as well as members of their working bodies, shall be excused from decision-making in case of a conflict of interests. The issue of excluding members of the National Science Council and the National Council for Higher Education shall be stipulated in more detail by their rules of procedure.
- 5) The National Science Council and the National Council for Higher Education shall discuss issues of mutual interest at least once a year at joint sessions. Their joint work shall be stipulated by the Rules of Procedure on Joint Work of the National Science Council and the National Council for Higher Education. Unless stipulated otherwise by the Rules of Procedure, at joint sessions decisions shall be brought by a simple majority of a total number of votes by members of both bodies.
- 6) The National Science Council and the National Council for Higher Education shall adopt their programs for the period including their entire term of office, and their annual programs to be confirmed by the Minister. The National Science Council and the National Council for Higher Education shall be responsible to the Croatian Parliament and they shall submit their reports annually.
- 7) In case that the National Science Council or the National Council for Higher Education propose to the Minister to pass a general regulation or decision, and the Minister declines their proposal, the National Science Council or the National Council for Higher Education shall be required to reconsider their proposal. If the agreement fails to be reached following that procedure, the Government of the Republic of Croatia shall decide on that issue.
- 8) Administrative and professional tasks of the National Science Council and the National Council for Higher Education shall be carried out by the Agency for Science and Higher Education (Article 15 of this Act).

**The Board for Financing Scientific Activity and Higher Education
Article 14**

- 1) The Board for Financing Scientific Activity and Higher Education (hereinafter: the Board) shall be an expert body of the National Science Council and the National Council for Higher

Education. The Board shall consist of 15 members as follows: three members from the scientific research institute, six members from the university, two members from the polytechnics, two representatives of the union and two representatives appointed by the Minister.

- 2) Board members shall be appointed jointly by the National Science Council and the National Council for Higher Education by a simple majority of total votes of both bodies, based on the proposal by the Rectors' Conference, Council of Polytechnics and Schools of Professional Higher Education, public scientific research institutes, universities, polytechnics and schools of professional higher education, Ministry and the unions. Their terms of office shall be four years.

The Agency for Science and Higher Education **Article 15**

- 1) The Agency for Science and Higher Education (hereinafter: the Agency) is a specialised institution providing technical and administrative assistance to the national councils for science and higher education.
- 2) The Government of the Republic of Croatia determines the organisational and operational structure of the Agency with a foundation charter.
- 3) The Agency performs technical and administrative tasks:
 1. in the procedure of issuing permits to higher education institutions
 2. in the procedure of assessment of scientific research organisations, or higher education institutions;
 3. in the procedure of approval of programs at higher education institutions;
 4. in the procedure of assessment of systems for quality promotion and assurance at higher education institutions;
 5. in the procedure of recognition of foreign educational qualifications;
 6. inclusion of the science and higher education system in the international system;
 7. the association with the European Network for Higher Education Quality Assurance (ENQA) and the European Network of Information Centres (ENIC/NARIC);
 8. the making and maintenance of national databases in relation to the system of scientific activity and higher education.
- 4) for its technical assistance tasks, the Agency answers to the National Science Councils and the National Council for Higher Education, and the legality of its services is supervised by the Ministry.

Assessment of Public Scientific Research Institutes and Higher Education Institutions **Article 16**

- 1) Public scientific research institutes and higher education institutions, as well as their units, are assessed in terms of quality and effectiveness. Activities of private scientific research institutes are assessed if they are financed from the state budget, in which case article 18 of this Act applies.
- 2) Quality and efficiency control of public scientific research institutes and higher education institutions is performed pursuant to regulations passed by the Minister, following the proposal by the National Science Council or the National Council for Higher Education, respectively, taking into consideration the specific character of various areas of science, arts and higher education.
- 3) In the procedure of assessing quality and efficiency of a scientific research institute, the Agency uses services by international organisations and associations to the maximum extent possible.

- 4) The Agency performs the assessment according to the annual schedule or at a special request by the National Science Council or the National Council for Higher Education, and at the request submitted by a higher education institution or a public scientific research institute. The Agency shall submit its assessment reports to the National Science Council or the National Council for Higher Education, respectively, as well as to the Minister, and the body that requested the assessment.
- 5) The Croatian Parliament, the Croatian Government, or the Minister may ask the assessment from Para. 4 of this article from the National councils of science and higher education.
- 6) Before a decision is made at the National Council for Higher Education or the National Science Council, the report prepared by the Agency is delivered to the appropriate public science institute or the higher education institution. They may, in the time of 30 days give their observations on the report and provide the necessary explanations of the findings in it.
- 7) The National Science Council or the National Council for Higher Education, respectively, shall determine a final rating of the control and assessment, and submit it to the Minister and the assessed public scientific research institute or higher education institution, respectively. The National Science Council or the National Council for Higher Education, respectively, shall report results of control and assessment to the public.

Assessment of Curricula Article 17

- 1) The assessment of curricula shall be carried out by the Agency based on regulations passed by the Minister following the proposal by the National Council for Higher Education, and according to the annual schedule set by the National Council for Higher Education. The assessment shall be also carried out following a special request of the National Council for Higher Education and the Minister, and it can also be carried out at the request of a respective higher education institution.
- 2) Before discussing the report and reaching decision by the National Council for Higher Education, the Agency shall submit a report to the assessed higher education institution. A higher education institution may lodge a complaint against the report or provide explanation of its findings within 30 days.
- 3) The National Council shall determine the final rating of assessment and submit it to the Minister and to the assessed higher education institution. The final assessment result is public knowledge.

Application of Assessment Results Article 18

- 1) Based on the results of the assessment of a public scientific research institute or a higher education institution the National Science Council or the National Council for Higher Education, respectively, shall recommend to the Minister to:
 1. issue an institutional accreditation;
 2. to forward a letter of expectation or
 3. to deny an institutional accreditation.
- 2) Based on the results of the assessment of a program at higher education institutions, the National Council for Higher Education shall recommend to the Minister:
 1. to issue an accreditation for a study;
 2. to forward a letter of expectation or
 3. to deny an accreditation for a study.
- 3) Accreditation is a document confirming that a scientific research institute or a higher education institution meets the standards and requirements for carrying out its activity or a course of study, respectively.

- 4) A letter of expectation is a document that indicates deficiencies in the quality of work of a scientific research institute or a higher education institution, or a specific curriculum, respectively, and expresses the expectation that identified deficiencies will be removed within a determined period. Following the expiration of this period an accreditation shall be either granted or denied in the form of a decision.
- 5) In case that an accreditation is denied to a public scientific research institute or a higher education institution, they shall be removed from the Register by a decision. If an accreditation has been denied to public scientific research institute, it cannot be financed by the state budget.
- 6) A decision about denying an accreditation for a specific study shall determine the rights of students to complete their study, or transfer to a study carried out by another higher education institution, respectively.
- 7) An administrative dispute may be instituted against a decision to deny an accreditation.

**Councils for Scientific and Artistic Areas and
Field Committees
Article 19**

- 1) The National Science Council shall appoint members of councils for areas of science and arts (hereinafter: scientific and artistic councils) and field committees among the ranks of eminent scientists, artists and professors engaged in a respective profession for a period of four years. Proposals for members of scientific and artistic councils and field committees shall be submitted by the Rector's Conference, universities, scientific research institutes, and members of the academic community and scientists following a public call for nominating candidates for scientific and artistic councils and field committees.
- 2) Scientific and artistic councils shall be established in order to review issues under jurisdiction of the National Science Council related to specific areas of science and arts laid down in Article 6, Para. 2 of this Act. Scientific and artistic councils shall participate in the appointment into scientific research grades in special cases referred to in Article 33, Para. 4 of this Act.
- 3) Field committees shall participate in the appointment into scientific research grades and scientific research and teaching grades pursuant to this Act and regulations based on it.
- 4) A composition of scientific and artistic councils and field committees, as well as the manner of their operation shall be determined in more detail by the Rules of Procedure to be adopted by the National Science Council, taking into consideration a fair regional representation. Members of the field committees shall be scientists with international reputation.

**III. THE SYSTEM OF SCIENTIFIC ACTIVITY
1. GENERAL PROVISIONS ON SCIENTIFIC WORK AND ACTIVITY
Freedom of Scientific Work and Activity
Article 20**

- 1) Scientific work cannot be subject to any limitations or formal requirements, except from those arising from the respect for ethics in scientific research, protection of human rights, as well as protection of personal and general occupational safety.
- 2) Formal requirements related to performing scientific activity and engaging in science cannot represent an obstacle to free engagement in science. Those are foreseen exclusively in order to attain certain rights stipulated by this Law and regulations based on it.

Scientific Work
Article 21

- 1) Scientific work in the spirit of this Act refers to work performed by scientists at universities and institutes, as well as at other scientific research organisations, individuals appointed into the associate work posts at those organisations, and other scientists that have fulfilled the requirements for performing scientific activity pursuant to this Act.
- 2) Students of postgraduate university studies, and individuals appointed into the professional work posts pursuant to this Act shall be engaged into scientific work. Other students and individuals participating in the process of science and teaching may be also engaged in scientific work.

Scientific Activity
Article 22

- 1) Scientific activity in the spirit of this Act shall be carried out by universities and their units, public scientific research institutes, scientific research institutes, Croatian Academy of Arts and Sciences, as well as other legal entities and their units entered into the Register of Scientific Research Organisations (hereinafter: scientific research organisations).
- 2) A separate law shall regulate the activities of institutions with a special relevance to the Republic of Croatia (e.g. the Croatian Academy of Sciences and Arts and the Miroslav Krleža Institute of Lexicography).

Register of Scientific Research Organisations and Scientists
Article 23

- 1) The Ministry shall keep the Register of Scientific Research Organisations and the Register of Scientists.
- 2) An entry into the Register of Scientists shall be made following a decision on the appointment into a scientific research grade or a scientific research and teaching grade. An entry into the Register of Scientific Research Organisations shall be made based on a challenged request by an interested organisation engaged in scientific activity.
- 3) The Minister shall stipulate by separate regulations the requirements and procedure for making an entry into the registers laid down in Para. 1 of this Article, and requirements for its removal from the register, as well as the structure and manner of their keeping, and contents of the forms for submitting a request for an entry, and a certificate from the register.
- 4) Organisations and scientists that have not been entered into the register or removed from it cannot be financed by the state budget. Exceptionally, foreign organisations and scientists may be financed by the state budget, although they are not entered into the register, based on a proposal by the National Science Council, in case that they participate in a project that is important for the Republic of Croatia.

Other Stakeholders in Scientific Activity
Article 24

- 1) In addition to individuals engaged in scientific work and actors that carry out scientific, actors in scientific activity are the National Science Council, the National Council for Higher Education, Ministry, Croatian Academic and Research Network (CARNet), National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia

(hereinafter: the National Foundation), as well as, pursuant to this Act and their enactments, teaching bases of faculties of medicine, dental medicine and pharmacy, polytechnics, schools of professional higher education, scientific associations, museums, archives and other legal entities and their units engaged in activities bearing interest for scientific activity.

- 2) The manner of participation of actors from Para. 1 of this Article in organisation and implementation of scientific activity shall be stipulated by a law, regulations based on it and decisions brought by responsible bodies.

2. SCIENTIFIC RESEARCH INSTITUTES

Establishment of Scientific Research Institutes

Article 25

- 1) Scientific research institutes shall be established by domestic and foreign individuals and legal entities pursuant to provisions of this Act and the Act on Institutions.
- 2) In order to implement scientific research programs with strategic interest for the Republic of Croatia, the Government of the Republic of Croatia shall establish public scientific research institutes by a decree.

Basic Provisions on Internal Organisation of the Scientific Research Institute

Article 26

- 1) Provisions of the Act on Institutions shall apply to the internal organisation and management of a public scientific research institute and research institute (hereinafter: the institute), unless stipulated otherwise by this Act.
- 2) Its Board of Management shall bring the statute of the institute upon the founders' consent. A consent shall be also given by the Minister upon proposal by the National Science Council.
- 3) The institute shall have:
 - Director;
 - Scientific Council;
 - Board of Management;
 - other bodies stipulated by the statute or enactments based on the statute.
- 4) The Board of Management, pursuant to the statute, shall be composed of members appointed by the founder, and members elected by the Scientific Council of the institute. A number of members of the Board of Management shall be determined by the statute, and limited to a minimum of three and a maximum of nine members. Members appointed by the founder shall have a majority in the Board of Management. The Board of Management shall pursue financial and business policy, decide on managing high-value assets pursuant to the statute and decide on issues that the statute does not place under jurisdiction of other bodies.
- 5) Scientists and individuals appointed into associate work posts or their representatives shall decide on scientific and professional issues. The Scientific Council shall:
 1. identify and implement science policy of the institute;
 2. discuss and decide on scientific and professional issues;
 3. carry out a part of the procedure for appointment into scientific research grades, in case that the institute has been authorised for this procedure;
 4. carry out procedures of appointment into scientific research, associate and professional work posts;
 5. appoint and dismiss some members of the Board of Management, pursuant to the statute;
 6. propose to the Board of Management nominees for a committee that elects a director of the institute;

7. submit to the Board of Management a preliminary opinion in the procedure of adopting the statute, and
8. carry out other activities pursuant to the founding charter and the statute of the institute.
- 6) The institute may have a Scientific Committee. Its members shall be renowned public figures and their membership shall not be conditioned by employment status at the institute. The statute shall regulate organisation, jurisdiction and operation of a Scientific Committee.

Participation of the Institute in Higher Education

Article 27

- 1) Scientific research institutes shall co-operate with higher education institutions in scientific work and implementation of programs according to the scientific program of the institute, as well as scientific programs and curricula of higher education institutions.
- 2) Co-operation from Para. 1 of this Article shall be elaborated by an agreement between a higher education institution and an institute.
- 3) Higher education institutions and institutes shall agree on establishing scientific research infrastructure of interest for the overall system of scientific research activity and higher education.

3. COLLABORATIVE SCIENTIFIC RESEARCH PROGRAMS, SCIENTIFIC CENTERS OF EXCELLENCE AND SCIENCE-TECHNOLOGY PARKS

Collaborative Scientific Research Programs

Article 28

- 1) A collaborative scientific research program is an interdisciplinary research program implemented by universities and public scientific research institutes. It usually includes a large number of scientific research projects dealing with related issues.
- 2) The university senate or the scientific council of a public scientific research institute shall propose a collaborative scientific research program. The senate or the scientific council, respectively, shall nominate a program head.
- 3) A program head shall propose a draft program to the National Science Council.
- 4) If the National Science Council accepts a draft of the program, university or an institute shall announce a call for project proposals within the program.
- 5) Principal researchers of selected projects shall determine a final proposal of the program. A university or a public scientific research institute shall carry out an internal evaluation of the proposal.
- 6) Following the internal evaluation the National Science Council shall evaluate a final proposal of the program by appointing reviewers. A program shall be defended in public, in front of the members of the National Science Council and reviewers. Program implementation shall be evaluated in the same manner as defence of a program proposal.

Scientific Centre of Excellence

Article 29

- 1) A scientific centre of excellence shall be a scientific research organisation or a group of scientists that in terms of their original approach, importance and relevance of their research, qualify among the best organisations or groups in the world in their scientific discipline.
- 2) A scientific organisation or a group of scientists shall be proclaimed as a scientific centre of excellence by the Minister at a proposal of the National Science Council, with a consent of a

nominated scientific research organisation or a group of scientists, based on the assessment from Article 16 of this Act and the procedure that necessarily includes an international evaluation.

- 3) Minister's decision to proclaim a scientific research centre of excellence shall contain all rights and obligations attributed to a respective centre by the National Science Council's proposal. A decision shall be valid for three years, and based on a new assessment following the procedure laid down in Para. 2, it may be extended for another three years.

Science– Technology Park

Article 30

- 1) A science-technology park shall be a company established with the aim of commercial use of scientific research results, encouraging co-operation among scientists and businessmen, as well as strengthening science-based economy.
- 2) A consent for using a title of a science-technology park shall be granted by the Minister upon a proposal by the National Science Council.
- 3) A science-technology park shall enjoy tax relief and other benefits as incentive for the implementation of its aims, pursuant to this Act.

4. SCIENTISTS AND ASSOCIATES

Scientists

Article 31

In the spirit of this Act scientists are individuals appointed into a relevant scientific research grade pursuant to this Act, and entered into the Register of Scientists.

Scientific Research Grades

Article 32

- 1) Scientific research grades shall be: research associate, senior research associate and scientific adviser. Scientific research grades shall be obtained in the procedure and under conditions stipulated by this Act and its regulations.
- 2) A researcher with a Doctorate of Science and scientific publications establishing that he/she is a renowned scientist may be appointed into the grade of a research associate.
- 3) A researcher with a Doctorate of Science and scientific publications that have contributed to science significantly may be appointed into the grade of a senior research associate.
- 4) A researcher with a Doctorate of Science and scientific publications that have contributed to science significantly, particularly assessing international affirmation of a scientist and international recognition of his/her scientific work, or his/her importance within the national content, respectively, may be appointed into the grade of a scientific adviser.
- 5) Regulations adopted by the National Science Council and published in the Official Journal of the Republic of Croatia shall stipulate in more detail requirements for the appointment into scientific research grades (types and a number of scientific research publications, their evaluation etc.) pursuant to Para. 2-4 of this Article. Based on those requirements field committees and commissions for evaluating scientists' work shall evaluate candidate's overall scientific activity, taking into consideration specific character of each area of science and arts.
- 6) In the course of stipulating requirements from Para. 5 of this Article a due period shall be foreseen for the application of prior requirements. Fair re-appointment shall be possible, as well as a promotion of scientists who performed their scientific work according to prior requirements.

Initiating a Procedure for Attaining Grades

Article 33

- 1) Attaining a scientific research grade shall not depend on a work post.
- 2) A scientific research grade shall be attained based on a procedure initiated by a request of an individual who considers that he/she has fulfilled the requirements for the appointment into a certain scientific research grade. A procedure may be also initiated by a scientific research organisation that has concluded an employment contract with a candidate.
- 3) A request for appointment into a scientific research grade shall be submitted to a scientific research organisation authorised for conducting certain stages of the appointment procedure. If the appointee is employed by a scientific research organisation authorised for conducting some stages of the appointment procedure, that scientific research organisation shall be solely responsible for those steps in the appointment procedure. If a candidate who initiates the appointment procedure submits a request that is challenged, the National Science Council may identify another authorised scientific research organisation to carry out those steps in the procedure.
- 4) In case that none of the scientific research organisations is authorised for conducting those stages of the appointment procedure into a scientific research grade in a specific area of science or arts, or an interdisciplinary area of science or arts, and in case that the field council for that field or interdisciplinary area has not been appointed, the appointment procedure shall be carried out by a relevant scientific or artistic council. In case that none of the scientific or artistic councils has been authorised to carry out the appointment procedure, it shall be carried out by the National Science Council.

Authorisation for Implementing Stages in the Appointment Procedure

Article 34

- 1) A decision on authorisation for implementing certain stages the appointment procedure into a scientific research grade shall be granted by the Minister based on a proposal by the National Science Council to a scientific research organisation with full-time employees appointed into scientific research grades, at least fifteen in a relevant scientific area and at least seven in a relevant scientific field, or an interdisciplinary area, respectively, and at least three scientific advisers.
- 2) Based on a decision from Para. 2 of this Article the authorisation granted to a scientific research organisation shall be entered into the Register of Scientific Research Organisations.
- 3) An expert body that pursuant to the statute has jurisdiction over scientific issues shall carry out the appointment procedure at a scientific research organisation.
- 4) Authorised scientific research organisation may regulate stages in the appointment procedure under its jurisdiction by its regulations.

The Appointment Procedure

Article 35

- 1) The request for appointment into a scientific research grade is submitted to the authorised scientific research organisation with the evidence of fulfilling the requirements for the appointment into a relevant profession.

- 2) The authorised scientific research organisation appoints an expert commission not later than 30 days following the day when a request has been submitted. The expert commission shall be composed of at least three members with the same or higher scientific research grade than the grade requested by the applicant.
- 3) The expert commission assesses whether an applicant has fulfilled requirements for the appointment and propose whether the applicant can be appointed into a scientific research grade. The expert commission submits its report within 30 days of the date on which the commission has been appointed.
- 4) Based on the report of the expert commission and a decision brought by the expert body from Art. 34, Para 3 of this Act, the authorised scientific research organisation shall give its opinion and a proposal to the relevant field committee not later than 30 days.
- 5) The field committee confirms or refuses to confirm the opinion and proposal of the authorised scientific research organisation within 60 days. The failure to reach a confirmation decision within that period cannot result in the appointment to a scientific grade.
- 6) If the deadline from the previous Para. is breached, the applicant may request a decision from the responsible local field committee. In case the assessment is done by the local field committee, the applicant may contact the National Science Council about the breach of deadline.
- 7) The field committee shall not accept the opinion and proposal submitted by the authorised scientific research organisation if:
 1. it considers that they are contradictory to requirements for the appointment;
 2. there is disagreement between opinion and proposal and the evidence submitted related to fulfilment the requirements or
 3. if the appointment procedure has been seriously infringed.
- 8) In cases from Para. 7 of this Article a field committee may either conduct the appointment procedure by itself and complete it within 60 days, or request the same authorised scientific research organisation to repeat the procedure, or request another authorised scientific research organisation to start a new appointment procedure.
- 9) The decision brought by a field committee is final, represents an administrative enactment, and applies pursuant to the Act on the Administrative and Legal Procedures, if this Act does not say otherwise.
- 10) The field committee shall forward the appointment decision (positive or negative) both to the applicant and to the scientific research organisation that has conducted the appointment procedure within 15 days. A positive decision on the appointment into the scientific research grade shall be submitted to the Ministry in order to be entered into the Register of Scientists. A transcript from the Register shall be forwarded to the applicant.
- 11) In case that the appointment is conducted pursuant to Art. 33, Para. 4 of this Act, a request for the appointment into the scientific research grade shall be also submitted to the relevant field, or to the National Science Council, respectively. The procedure shall be completed within 120 days.
- 12) The applicant has no right of appeal against the appointment decision but an administrative suit can be initiated. In the course of an administrative suit, it shall not be allowed to decide on the appointment into the scientific research grade, just to annul the decision and order a new procedure to take place.

**Deadlines in the Appointment Procedure and
Consequences Resulting from Missing a Deadline
Article 36**

- 1) Deadlines in the appointment procedure into a scientific research grade from Article 35 of this Act are not performed in the period between July 15 and August 31, and between December 20 and January 7.

- 2) In the case of an unjustifiable breach of deadline, based on the complaint of the applicant or the employer organisation, the field committee may take upon itself the process of appointment. In the case of an unjustifiable deadline breach, the Article 35, Para. 6 of this Act applies.
- 3) Upon the opinion given by the National Science Council, the Minister may deprive a scientific research organisation of its authorisation for the appointment procedure if it disrespects deadlines from Art. 35 of this Act continually and without justification.
- 4) In case a field committee frequently breaches deadlines stipulated by Article 35 of this Act, the National Science Council will, at the request of the Minister initiate a procedure for dismissing the committee's president or its members responsible for delays.

Permanence of the Grade and its Expiration

Article 37

- 1) A scientific research grade shall be permanent. It shall cease with the promotion into a higher grade or with its annulment.
- 2) A scientific research grade may be annulled in case that:
 1. facts and evidences present themselves testifying that at the time of the appointment into a scientific research grade the applicant had not satisfied requirements for the appointment;
 2. scientific research articles that served as a base for appointing a scientist into a scientific research grade either present a case of plagiarism or that research behind them was falsified, and
 3. in cases of a serious infringements of the ethical code.
- 3) A procedure for annulling a grade may be initiated by a scientific research organisation, a field committee, a relevant council for science/arts, the National Science Council or the Ethics Committee. A procedure for annulment of a scientific research grade shall be conducted with the relevant application of provisions of Article 35 of this Act.

Honorary Grades

Article 38

- 1) Institutes and other scientific research organisations may award an honorary scientific grade of *a scientist emeritus* to their renowned retired scientific advisers without conducting a public competition.
- 2) A *scientist emeritus* may in accordance to the needs of a scientific research organisation participate at scientific research projects and other activities.
- 3) The appointment procedure and rights of *a scientist emeritus* shall be regulated in detail by the statute of the scientific research organisation.

Work Posts at Scientific Research Organisations

Article 39

- 1) Scientific work posts at scientific research organisations shall be: research associate, senior research associate and research fellow.
- 2) Associate work posts at scientific research organisations shall be: assistant and senior assistant.
- 3) Professional work posts at scientific research organisations for employees who participate in the implementation of the scientific activity shall be: associate, senior associate and advisor.

A Procedure for Appointment into Work Posts
Article 40

- 1) The statute of a scientific research organisation shall stipulate a procedure for appointment into scientific, associate and professional work posts.
- 2) An appointment into work post at public scientific research organisations shall be carried out based on a public competition published in the Official Journal of the Republic of Croatia, in daily newspapers and at the official Internet site of the scientific research organisation.
- 3) In case that some of the candidates applying to a competition for a scientific work post has undergone a required appointment procedure, it shall be possible to carry out the appointment into a scientific grade within a single procedure, pursuant to Art. 35 of this Act. In that case the appointments into scientific grades shall be conducted for all candidates that have qualified for that grade but have not been appointed so far. Following a procedure for an appointment into a scientific research grade, within 60 days a scientific research organisation shall complete a procedure of appointment into a work post by selecting a candidate who meets best the requirements of the competition. In the course of the appointment procedure a scientific research organisation may request competent national or international experts to deliver their opinion.
- 4) A scientific research organisation shall be obliged to notify all candidates about the results of the appointment within 15 days following a day on which the appointment decision has been reached.
- 5) In case that a decision on the appointment into the same or higher work post is not reached by the end of the term from the candidate's previous appointment at the same scientific research organisation, the candidate's employment contract shall be valid until the appointment decision will have been reached.

Scientific Work Posts
Article 41

- 1) Scientists at scientific research organisations shall be appointed into scientific work posts. The term of appointment into scientific work posts shall be five years.
- 2) A general requirement for an appointment into scientific work posts shall be an entry into the Register of Scientists in the same or higher scientific research grade, therefore an appointment procedure under compliance with article 40, Para. 4 of this law. A scientific research organisation may stipulate additional requirements for the appointment into scientific work post by its statute.
- 3) A competition for the appointment into the same or higher scientific work post announced for the reason of expiration of the term of appointment based on the previous competition, shall be announced by a scientific research organisation not later than three months before the term expires. Following a special decision by a scientific research council and a consent given by the employee, a competition may be announced earlier than a year before the expiration of the term of appointment based on the previous competition, but not earlier than three years from the first appointment into the work post with that grade.
- 4) In case that another candidate has been appointed during a competition, an employee holding that work post shall be offered another appropriate work post. If there are no appropriate work posts, a procedure shall be initiated for a regular termination of the employment contract due to special reasons.
- 5) In case that the employee does not apply to a competition from Para 1. of this Article or in case that the employee is not appointed due to lack of requirements for re-appointment, a procedure shall be initiated for a regular termination of the employment contract due to special reasons, with no obligation to offer another appropriate work post.

The Employment Contract

Article 42

- 1) Candidates appointed into scientific work posts shall conclude an employment contract for an indefinite period with the obligation of a re-appointment or promotion every five years. In case that the employee fails to meet requirements he/she will not be re-appointed and procedure from Article 41, Para. 5 of this Act shall take effect.
- 2) Candidates appointed into scientific or associate grades employed on a temporary project, may conclude a temporary employment contract, until the end of the project or a part of the project that includes the candidate.
- 3) Obligation to carry out a re-appointment shall cease after the second appointment of the employee into a scientific work post of a scientific adviser.
- 4) An employee may be appointed into a work post of a research associate or a senior research associate only twice.
- 5) Exceptionally, in case that the employee has not been appointed into a higher grade and into an appropriate work post, and a scientific council and a management council both decide on a need for the continuation of the employee's work, a scientific research organisation may conclude a temporary employment contract for a period no longer than five years.
- 6) When a scientist at the scientific research institution reaches 65 years of age, his/her employment contract shall be terminated at the end of that calendar year and the scientist shall be retired. Exceptionally, when there is a need for the continuation of the work of the research fellow from Para. 3 of this article, a scientific research institution may conclude a temporary employment contract, not longer than until the end of the calendar year in which the scientist reaches 70 years of age.

Associate Grades and Work Posts

Article 43

- 1) Associate grades and work posts shall be an assistant and senior assistant. The first appointment of an assistant or senior assistant shall be carried out based on a public competition.
- 2) A scientific research institute may conclude a temporary employment contract valid up to six years for the associate work post of an assistant with a person who has completed his/her graduate study. The assistant must enrol into a postgraduate program.
- 3) If a salary and/or tuition for a postgraduate study are not funded by income of a scientific research institute but by the state budget, consent for concluding a contract from Para. 1 of this Article shall be granted by the Minister.
- 4) Each assistant shall have one or more mentors appointed by the institute in a manner stipulated by general regulations. A mentor may be a person whose scientific or artistic activity guarantees efficient education of an assistant.
- 5) The institute shall evaluate the assistant's work every year. The evaluation shall be based on a mentor's written report that evaluates candidate's performance both in scientific or artistic work and in teaching, as well as track his/her postgraduate record. The assessment procedure shall be determined in detail by general regulations brought by the institute. In case that the assessment is negative, a procedure shall be initiated for a regular termination of the employment contract.
- 6) If the assistant completes his/her postgraduate study and obtains a doctorate of science within six years or less, the institute may conclude a temporary employment contract for the associate work post with a grade of senior assistant. Duration of the employment contract may not exceed a ten-year period effective from concluding an employment contract from Para. 1 of this Article.

- 7) In case that a salary of a senior assistant is not by the income of the scientific research institute but by the funds allocated for this purpose in the state budget, a consent for concluding an employment contract should be granted by the Minister.
- 8) Upon request by a principal researcher and consent by a scientific research organisation a Minister may grant that young researchers be employed on the project and funded by the Ministry. Scientific research organisations may employ young researchers without a Minister's consent if they fund their work **from their own income. Young researchers shall be selected following a public competition and they shall be employed in the associate work post of an assistant or senior assistant, pursuant to article 42, Para. 2 of this Act. According to the agreement concluded between a higher education institution and a scientific research organisation, young researchers of a respective scientific research organisation may participate in teaching under the same conditions.**

Professional Grades and Work Posts Article 44

- 1) Professional grades shall be an associate, senior associate and advisor.
- 2) Individuals with professional grades shall work at appropriate work posts performing professional tasks related to scientific research.
- 3) A scientific research organisation shall stipulate conditions for appointment into professional grades and the appointment into relevant work posts by its statute.

Suspension of the Appointment Term Article 45

During a maternity leave, sick-leave exceeding three months, military service, performing public duty, and in other justified cases in instances foreseen by the law, a collective agreement or general regulations of a scientific research organisation, terms for appointment or re-appointment into a scientific research grade and a work post shall be suspended and it shall not be included into the appointment term, except if the employee asks differently.

Work Unrelated to a Scientific Research Organisation Article 46

Contractual obligations of an employee of a scientific research organisation related to scientific or professional work for the third party may be limited or conditioned by a consent by his/her scientific research organisation, in case that it has been stipulated by the statute or general regulations of a higher education institution, in case that scientific or professional work would have a negative impact on the work of his/her scientific research organisation, or if the contract implies an organisation that carries out activities presenting competition to the scientific research organisation that employs the candidate.

IV. HIGHER EDUCATION SYSTEM

1. HIGHER EDUCATION INSTITUTIONS

A. THE FOUNDATION AND COMMENCEMENT OF ACTIVITIES OF HIGHER EDUCATION INSTITUTIONS

Types of Higher Education Institutions and Their Tasks

Article 47

- 1) Higher education institutions shall be universities, as well as faculties and academies of arts within a university; polytechnics and schools of professional higher education.
- 2) Higher education institutions shall perform their activities as a public service.
- 3) Universities, faculties and academies of arts shall be founded in order to implement activities related to higher education, scientific, professional and artistic activities, as well as other activities pursuant to the law and their statute. In the framework of the higher education activity these higher education institutions shall organise and implement university studies, and pursuant to this Act they may also organise and implement professional studies.
- 4) Polytechnics and schools of professional higher education shall be founded in order to implement higher education activities in the form of organising and implementing professional studies. They may also implement professional, scientific or artistic activities pursuant to this Act and their statute.

Foundation of Higher Education Institutions

Article 48

- 1) Universities, polytechnics and schools of professional higher education shall be founded as institutions.
- 2) Universities may found and include faculties, academies of art and departments, as well as other units pursuant to the law.
- 3) Polytechnics and schools of professional higher education cannot found other higher education institutions.
- 4) Higher education institutions for police and military educational needs are founded by the Government of Croatia, under conditions foreseen by this Act.
- 5) A special agreement between universities or higher education institutions and the Government of the Republic of Croatia may establish a program at a given university or higher education institution and the status of higher education institutions founded by Para. 4 of this article.
- 6) A decree of the Government of the Republic of Croatia regulates the details of the program from Para. 4 of this article, and specially their organization, rights and responsibilities of the teachers and students with respect to their military or police tasks.
- 7) The administrative supervision over the legality of work and general acts of the higher education institutions from Para. 4 of this article is the responsibility of the ministry responsible for internal affair, or the ministry responsible for defence, according to special agreements.

Public and Private Higher Education Institutions

Article 49

- 1) Higher education institutions may be public and private.
- 2) Public higher education institutions from Para. 1 of this Article shall be those founded by the Republic of Croatia. The Republic of Croatia shall found a university by law, whereas a polytechnic and school of professional higher education shall be founded by a decree adopted by the Government of the Republic of Croatia. On behalf of the Republic of Croatia, the

Government of the Republic of Croatia or the Ministry shall have ownership rights over higher education institutions, pursuant to the founding charter or other relevant regulation.

- 3) A private university, polytechnic or school of professional higher education shall be founded by a decision of the founder in a manner stipulated by provisions of this Act and regulations related to the foundation of institutions.
- 4) Counties, cities and municipalities shall found a school of professional higher education by a decision of its representative body.
- 5) Provisions of this Act related to private higher education institutions shall apply to schools of professional higher education founded pursuant to Para. 4 of this Article.

Title of a Higher Education Institution

Article 50

- 1) A title of university, faculty and academy of arts, or a word «academy» with an artistic field, as well as a polytechnic and a school of professional higher education, or other titles containing one of these terms, may be used only by higher education institutions founded pursuant to this Act. A court or other competent body shall not grant an entry into the relevant register to a legal entity or its branch that uses any of the aforementioned terms or if those terms present a part of the title, unless that legal entity has been founded pursuant to this Act.
- 2) The academy of arts may use in its title a term denoting its artistic field instead of the term «artistic».
- 3) Terms from Para. 1. and 2. of this Article may be used exceptionally by legal entities that have not been organised pursuant to this Act if a separate law allows it or if the use of the title has been approved by the Minister.

An Institutional Accreditation for Activities of Higher Education Institutions and an Entry into the Register

Article 51

- 1) A higher education institution founded pursuant to this Act and regulations related to the foundation of institutions, may commence its activities and implementation of specific studies following its entry into the register of Higher Education Institutions and a Register of Institutions kept by the Commercial Court.
- 2) An entry into the Register shall be based on the institutional accreditation establishing that a higher education institution fulfils the requirements for commencement of activities, granting its entry into the register and commencement of its operation. The Minister shall issue an institutional accreditation following a positive opinion of the National Council for Higher Education. The accreditation shall also be issued to a higher education institution for the commencement of a new study, as well as for the establishment or implementation of a study outside its seat.
- 3) A request for an entry shall be submitted to the Minister who shall request an opinion of the National Council for Higher Education not later than one month following a receipt of the request. The National Council for Higher Education shall deliver its opinion within three months and the Minister shall issue the accreditation within a month. In case that the Minister does not consent to the opinion of the National Council for Higher Education and requests the Council to deliver another opinion, a deadline for completing a procedure shall be prolonged for three months.
- 4) An accreditation shall be issued to a higher education institution with:
 1. a program for university or professional study, respectively, with quality equal to the standards of the European union member states;

2. a required number of teaching and other staff with the appropriate scientific and professional qualifications, according to the standard teaching load determined by the collective agreement for higher education. In case of a university at least half of a required number of teachers should have a full-time employment contract, while in case of a polytechnics and a school of professional higher education at least one third of a required number of teachers should have a full-time employment contract. A higher education institution will be given a permit if it has a signed contract for part-time or full-time work with at least half of the needed number of teachers. A university that has concluded a full-time employment contract with less than a half of its teachers, or a polytechnics and a school of professional higher education that have concluded a full-time employment contract with less than one third of their teachers, may be granted an accreditation on a condition that during a five-year period they employ teachers evenly up to a required number and reports it to the Minister once a year;

3. the appropriate premises and equipment according to a number of students that a higher education institution plans to enrol and according to the needs for high-quality studying;

4. financial resources required for its operation, including a guarantee pursuant to Para. 8 of this Article.

- 5) An accreditation and a ruling refusing the accreditation or a request for an entry into the Register of Higher Education Institutions shall be administrative acts that do not allow a complaint, but an administrative suit may be brought against them.
- 6) The Register from Para. 1 of this Article shall be kept by the Ministry. The Minister shall regulate the organisation and a manner of keeping the Register, as well as a procedure for an entry by a special regulation.
- 7) In case that the inspection or administrative monitoring identify that a higher education institution has ceased to fulfil the requirements necessary for granting an accreditation, and identified shortcomings cannot be remedied without serious consequences for the quality of the study, the Minister shall revoke the accreditation by a ruling following a proposal by the National Council for Higher Education. In case that identified shortcomings can be eliminated within six months with no serious consequences for the quality of the study, the Minister shall issue a ruling ordering the higher education institution to eliminate the shortcomings within that period. A ruling on revoking the accreditation is an administrative act that does not allow a complaint, but an administrative suit may be brought against it.
- 8) In case that a public higher education institution ceases its operation due to the fact that its accreditation has been revoked or for some other reason, following a proposal by the National Council for Higher Education, the Minister shall adopt measures for enabling students of the respective higher education institution to continue and complete their study.
- 9) Before starting their operation, private higher education institutions shall be obliged to provide a guarantee that students will continue and complete their study in case that a higher education institution ceases its operation or ceases to carry out a specific study, in a manner determined by the Ministry.
- 10) Higher education institutions are responsible to promote physical activity and student sport pursuant to special laws in the relation to their programs.
- 11) Education programs implemented without an accreditation shall not be deemed as university or professional study pursuant to this Act and following their completion it shall be neither possible to attain an academic grade and a degree, nor a professional grade, respectively. Organisers of those education programs cannot issue diplomas nor other documents on study stipulated by this Act, but they may issue attestations on completed programs stating explicitly that the education program is neither a university nor a professional study pursuant to this Act, and that it does not confer either academic or professional grades, or academic degrees, respectively.
- 12) If not stated differently in this law, the process of issuing a permit is bound by the Act on administrative and legal process.

Religious Higher Education Institutions and Their Studies
Article 52

- 1) Religious higher education institutions founded pursuant to general regulations of religious communities shall be entitled to rights and obligations equal to higher education institutions from this Act, in case they fulfil requirements from this Act.
- 2) A status of higher education institutions from Para. 1 of this Article operating as faculties within a public university shall be stipulated by an agreement between a university and founders of the higher education institution.
- 3) A status and operation of Catholic theological faculties within public universities and other religious education institutions operating within public universities shall be stipulated respecting valid international agreements and agreements between the founders and the university, with the consent of relevant state and religious authorities.
- 4) Religious communities may also found higher education institutions and organise non-religious study pursuant to the provisions of this Act relating to private higher education institutions.

B. UNIVERSITY
Basic Provisions on the University
Article 53

- 1) According to its mission from Article 3 of this Act, universities shall be educational institutions that link scientific research, artistic creation, study and instruction in order to develop science, professions and arts; prepare students for carrying out professional activities on the basis of scientific notions and methodology, as well as artistic values; educate young researchers and artists; participate in the implementation of students' social interests; as well as promote international, especially European co-operation in higher education, science and arts. Universities shall inform the public on the implementation of their mission at least once a year, especially in relation to their contribution to the Croatian national culture.
- 2) The university shall integrate all functions of its integral parts, especially faculties, academies and departments (hereinafter: functional integration). Its bodies shall secure unique and harmonised operation according to strategic and development decisions related to academic issues, specialisation of scientific research, integrated and harmonised financial and legal operation, investments, development plans, as well as to approaching foreign partners in science and higher education. The university shall secure internal and external mobility of students and teachers, rational use of human and material resources, development of multidisciplinary studies, as well as monitoring and constant growth in quality and competitiveness in teaching, scientific, artistic and professional work. The university shall develop an integrated information and library system.

Organisation of the University and Its Units
Article 54

- 1) The university shall be an institution that establishes and implements university studies in at least two areas of science and / or arts, and a large number of fields within these areas, as well as interdisciplinary studies. These studies shall be implemented as an autonomous and integrated process, directly by the university or through its faculties, academies of art and departments

founded pursuant to this Act. The university and its higher education institutions (faculties and academies of art) may also implement professional study pursuant to this Act.

- 2) University units (branches, institutions or legal entities) may be faculties, academies of art, departments and institutes, as well as other units such as: trusts, foundations, associations, student centres, medical institutions, libraries, technology centres, information technology units, cultural, sport and other units (institutions or companies) which serve to meet the needs of the students and the university.
- 3) The statute of the university, foundation charter and enactments of its units shall stipulate the manner of management guaranteeing integrated functions of the university and achieving interests and goals that prompted the university to found the unit.
- 4) Operation of the unit, especially the level of its authority in legal and other operation shall be stipulated by the university statute and its foundation charter. The foundation charter may foresee that the founder should give its consent on the statute.
- 5) Decisions that change the status of the unit within a university or separate the unit from the university shall be brought by the senate by a two-thirds majority of the total number of votes. The university statute shall stipulate in more detail the procedure for changing the unit's status. In case that the university statute does not stipulate otherwise, a complaint against a senate's decision shall not be possible, but an administrative suit may be brought against it.
- 6) The university may found or co-found a company for the purpose of commercial use of scientific results, inventions or patents as well as artistic creations, or for the purpose of encouraging co-operation with the economic sector and enhancing knowledge-based economy. A portion of the profit of a company owned by the university may be used solely for promotion of the university activities.

Inviolability of the University

Article 55

- 1) The premises of the university shall be inviolable.
- 2) Responsible government bodies can act on the university campus only with the consent of its head, according to a decision of the authorised court or in case of an immediate danger for life and health of people or assets.
- 3) A search of the premises of the university may be exceptionally ordered by the authorised court if conditions stipulated by the Act on Criminal Procedure have been fulfilled.
- 4) A search may be conducted at the higher education institution without the presence of its head or a person authorised by the head only if they fail to respond to a summon issued in due time without providing a justified excuse.

Bodies of the University

Article 56

- 1) The university shall have its:
 - rector
 - senate
 - university council .
- 2) The university may also have other professional and advisory bodies, whose establishment, composition and authority shall be stipulated by the statute or an enactment. In addition, in its statute the university may entrust a certain body with managing its operations.

Rector
Article 57

- 1) The rector of the university shall be elected via a secret ballot by a simple majority of all voting members from the ranks of full professors. The university statute shall stipulate the voting members for the rector's election. Rector's term of office shall be four years and the rector may be re-elected once.
- 2) The procedure for election and dismissing a rector, as well as reasons for dismissing a rector of his/her duties before the end of the term shall be stipulated by the university statute.
- 3) In his/her work, a rector shall have rights and obligations of the director of the institution as stipulated by this Act and the university statute. The rector shall convene and preside over sessions of the senate and the university council.
- 4) The rector may have one or more vice-rectors elected by the senate in a manner stipulated by the university statute.
- 5) The rector may warn the dean and other members if their decisions are against the law or statute.
- 6) The rector may suspend the dean's decision if it is against the law or the statute.
- 7) Under compliance with the statute of the university, the rector may, in special cases covered by the statute of not respecting the law and other regulations, the statute or decisions based on the statute, suspend the dean or a member of the institution's body and appoint their replacement with a related qualification.
- 8) The senate, in a time of one month, decides about the rector's decisions from Para. 6 and 7 of this article. To approve of the senate's decision a majority vote is needed. The officer is relieved of duty by the senate's decision of approval. In that case, a process of appointing a new officer will be carried out in a time of 3 months. In that case, the officer relieved of duty may not be a candidate for appointment.

The Senate
Article 58

- 1) The senate shall be an elective expert body elected pursuant to the statute of the university in a manner that guarantees balanced representation of various areas of science and arts as well as other scientific-teaching units of the university.
- 2) Employees appointed into scientific research and teaching grades shall make at least 60% of the senate's members. Student representatives, elected by the students according to the university statute, shall make at least 10% of the senate's members from the ranks of undergraduate and graduate students, and at least 5% from the ranks of postgraduate students. Other employees shall be represented in the senate according to the statute.
- 3) The rector shall be a member of the senate *ex officio*. Vice-rectors shall participate in the activities of the senate with no voting rights.
- 4) A representative of the union for science and higher education shall also participate in the activities of the senate but shall have no voting rights.

Responsibilities of the Senate
Article 59

- 1) The university senate, pursuant to the statute, decides on all questions related to the academic, technical, scientific and art-related questions, including decision-making about the scientific,

professional and educational activity, the appointment of teachers as well as other questions stipulated by this Act.

- 2) Within its frame of responsibility, the senate especially:
 1. decides upon the educational, scientific, art-related and professional activity,
 2. decides upon academic issues,
 3. decides about developmental and research plans,
 4. decides upon the institutional capacity and the entrance requirements, defines entrance quotas that determines study standards and supervises the compliance with their provisions.
 5. conducts the process of awarding a doctorate degree, or delegates that responsibility,
 6. awards honorary doctorates,
 7. chooses doctors emeritus or scientists emeritus,
 8. decides about the conditions for studying and the student standard
 9. coordinates the international cooperation,
 10. decides about publishing activities,
 11. establishes the statute and other acts of the university if it is not stipulated differently by the statute,
 12. appoints the rector and appoints vice rectors on his suggestion,
 13. appoints members of other bodies as stipulated by the statute or other general act,
 14. confirms the appointment of the faculty and art-academy dean as well as heads of university departments,
 15. appoints heads of other university bodies, if the statute or the establishment act or the statute of establishment does not stipulate otherwise,
 16. chooses teachers and associates, if the statute or a regulation based on it does not stipulate otherwise,
 17. decides about the founding, the basic structure and abatement of university components and coordinates their activity and conduct
 18. decides upon the establishment of science and technology parks and other trade associations,
 19. conducts the financial policy and determines the university budget, comments on financial reports and approves the final accounts as well as decides on capital investments
 20. performs other business as stated in the statute and other general acts.
- (3) The responsibility on particular questions that are the general responsibility of the senate can be transferred by statute to other components of the university. The statute of the university can, in the interest of assurance of the integrated educational and scientific process at the university, disregard the responsible unit's right of suspension veto on particular decisions about these issues, but only if their academic freedom and academic autonomy remain unperturbed.

University Council Article 60

- 1) The university council shall be a body responsible for implementing activities of the university pursuant to the foundation act and its statute. In particular, the university board shall take care of university' development and its interaction with the society in which it operates, as well as discuss and confirm senate's decision on strategy and development, according to the university statute.
- 2) The university council shall monitor implementation of university's tasks according to Articles 3 and 53 of this Act, especially regularity of its work, rational use of human and material resources, implementing decisions brought by the senate and the university council, as well as other tasks stipulated by the foundation charter and the statute. Authority affecting the university autonomy cannot be assigned to the university board.
- 3) The university council shall have 6 or 12 members as follows:
 - half of its members shall be appointed by the senate, at least one member shall be a student;

- one sixth of the members shall be appointed by the founder, local-government body(ies) and the Chamber of Commerce.
- 4) Members of the senate, university council and heads of university units cannot be members of the university council. Members of the university board shall elect a president of the university board among themselves. A procedure for nominating and dismissing university council members, their term of office, a manner of replacing a member whose membership in the university board terminates before the end of the term of office, and a manner of bringing decisions, shall be stipulated by the university statute.
- 5) The university council shall work in sessions. A rector shall participate in the work of the university board with no voting rights. The university board shall submit a report to the founder at least once a year. The university senate shall be notified about a submitted report. In case of severe irregularities in the university operation, especially if responsible authorities do not remedy identified irregularities, the university board may summon the senate or the university council in order to discuss that issue. It can notify the founder on irregularities and propose necessary measures, including amendments of the foundation charter, statute and other enactments of the university.

Issues with Special Importance for Students

Article 61

The university statute shall stipulate issues of special importance for the students. The students shall be entitled to a suspension veto in the course of deciding on these issues at the sessions of the senate. Issues of special importance for the students shall particularly include those related to a change of a system of studying, quality assurance, adopting curricula, syllabi and the student standard. Following a suspension veto, the senate shall reconsider that issue not earlier than 8 days following the session. There shall be no suspension veto on the second decision. The university statute shall stipulate a manner of applying student suspension veto and a majority required for the second decision following a suspension veto.

C. UNIVERSITY UNITS

Faculty and Academy of Arts

Article 62

- 1) The faculty shall be a higher education institution that as a university unit organises and carries out university studies, and develops scientific research and professional work in one or more scientific and professional fields. The faculty may also establish and carry out professional studies pursuant to this Act.
- 2) The academy of arts shall be a higher education institution that as a university unit organises and carries out university artistic studies, and develops first-rate artistic creative endeavour and scientific research in arts. The academy of arts may also establish and carry out professional artistic studies pursuant to this Act.
- 3) The faculty and the academy of arts may have a statute. The statute should be harmonised with the university statute.
- 4) The faculty and the academy of arts may use in their operation a title of the university in addition to their title if this is stipulated by the university statute.

Bodies of the Faculty and the Academy of Arts
Article 63

- 1) The faculty and the academy of arts shall have:
 - a dean
 - an expert council (the faculty council and the academy council.), as well as
 - other bodies stipulated by the university statute, their statute or other enactments.
- 2) A dean of the faculty or the academy of arts shall be appointed and dismissed by the current expert council on a mandate, in a manner and through a procedure stipulated by the university statute or other general enactment, and will be dismissed by the senate in the case described in article 57, Para. 8 of this Act.
- 3) The dean shall represent and act on behalf of the faculty or the academy of arts, and have rights and obligations according to the university statute and the statute of the faculty or the academy of arts. The dean shall be assisted in his/her work by vice-deans and other bodies stipulated by the statute.
- 4) The dean is responsible for the legality, implementation of the statute and decisions of university bodies at the faculty or art academy.
- 5) The expert council of the faculty and the academy of arts shall be composed of teachers, associates and students, as stipulated by the statute of the faculty and the academy of arts. Student representatives shall be elected by the students according to the university statute, and they shall make at least 15% of the overall number of members.
- 6) According to the university statute the expert council shall:
 - bring decisions on academic, scientific, artistic and professional issues;
 - elect and dismiss a dean and vice-deans;
 - adopt the statute and other enactments;
 - perform other tasks stipulated by the university statute, the statute of the higher education institution or other enactments.
- 7) In cases when the faculty and the academy of arts have their own statute it shall, according to the university statute and this Act, stipulate issues of special interest for the students. When expert councils of the faculty or the academy of arts decide on these issues, student representatives shall be entitled to suspension veto pursuant to Article 61 of this Act.

University Departments
Article 64

- 1) A university department shall be founded as a university unit that participates in the implementation of curricula, and develops scientific, artistic and professional work in a single field of science or in an interdisciplinary area of science, and participates in the implementation of the study.
- 2) A university department shall have teachers, scientists and associates of the university engaged in a specific field of science, an interdisciplinary area of science, or an artistic field, respectively.
- 3) A university department shall have its head, an expert council and other bodies. Their composition, founding procedure, scope of work and authority shall be stipulated by the university statute and enactments passed by a department. A head shall be appointed and dismissed by the expert council. His/her term of office, manner and procedure for appointment and dismissal shall be stipulated by the university statute. Provisions from Article 63 of this Act shall apply appropriately to a department's head and its expert council.
- 4) University departments may operate under the title of the university and their title unless stipulated otherwise by the university statute.

**University Institute
Article 65**

- 1) The university institute shall be a university unit founded for performing scientific activity in a single or several related scientific fields, normally related to higher education process at the university. A university institute may perform highly professional work and participate in teaching according to enactments passed by the university.
- 2) The university institute shall have a director, expert council and other bodies. Their composition, establishment, scope of work and authority shall be stipulated by the university statute and enactments adopted by the university institute. A director shall be appointed by the university senate. His/her term of office, as well as manner and procedure for a director's appointment shall be stipulated by the university statute.
- 3) Internal organisation of the university institute, its bodies and their authority, as well as other questions related to the work of the university institute shall be stipulated by the statute and/or enactments adopted by the university institute, including appropriate application of provisions of this Act related to the scientific institutes.
- 4) University institutes may operate under the title of the university and their title unless stipulated otherwise by the university statute.

**Linking Practice, Science, Arts and Higher Education
Article 66**

- 1) Universities, as well as faculties and academies of arts upon the consent of the university, may establish organisations or their internal organisational units which carry out an activity linking practice, science, arts and higher education. Students may also participate in these activities (engineering bureaux, workshops, legal aid centres, social welfare centres and centres providing other assistance to citizens, veterinary clinics and other outpatient clinics, university and/or clinical hospitals, testing sites, manufacturing centres, tourist and similar organisations, art studios, art groups, galleries, radio and TV stations etc).
- 2) Any profit earned through activities from Para. 1 shall be used exclusively for promoting the work of the university or its units, respectively.
- 3) In case that a certain activity has been stipulated by special regulations (medical activity, providing legal aid etc), some organisations from Para. 1 shall be established and their work shall be regulated with the consent of the minister with jurisdiction for that area.
- 4) Pursuant to the statute and its accreditation, and based on the agreement with a relevant organisation (hospital, medical centre, legal office, engineering bureau, company, specialised institution, state authority etc), the higher education institution may organise a part of their instruction at such a legal entity under the guidance of their teachers and with the appropriate participation of experts from that legal entity.

D. POLYTECHNICS AND SCHOOLS OF PROFESSIONAL HIGHER EDUCATION

Basic Provisions

Article 67

- 1) The polytechnic and school of professional higher education shall be institutions that organise and implement professional study, and perform their activity pursuant to Article 47 of this Act and their statute.

- 2) The polytechnic is a school of professional higher education that implements at least three different studies in three fields. The polytechnic cannot have schools of professional higher education as its units.
- 3) The statute of the polytechnic and school of professional higher education shall stipulate issues related to internal organisation, management and decision-making.
- 4) The statute of the polytechnic and school of professional higher education shall be brought by the management council at a proposal of the expert council and it shall be confirmed by the founder.

Bodies of the Polytechnic and School of Professional Higher Education

Article 68

- 1) The polytechnic and school of professional higher education shall have:
 - a dean;
 - an expert council;
 - a management council;
 - and other expert and advisory bodies. Their establishment, composition and authority shall be stipulated by the statute or other enactments.
- 2) A dean of the polytechnic and school of professional higher education shall be elected and dismissed by the expert council with a term of office, in a manner and following a procedure stipulated by the statute of the polytechnic or school of professional higher education, respectively. The election of a dean shall be confirmed by the management council. A dean shall have rights and obligations in the spirit of the Act on Institutions. A dean shall be responsible for his/her work to the expert council and the management council.
- 3) The expert council of the polytechnic and school of professional higher education shall be composed of teachers, associates and students, according to the statute. Students shall make at least 15% of the overall number of members of the expert council. Student members of the expert council shall be elected by the students according to the statute of the polytechnic and school of professional higher education. Student decision-making in the expert council shall refer appropriately to provisions of the Article 61 of this Act on suspension veto at the university.
- 4) The management council of the polytechnic and school of professional higher education shall have five members: three shall be appointed by the founder and two by the expert council of the polytechnic and school of professional higher education. The president of the management council shall be elected by the members among themselves. A dean of the polytechnic and school of professional higher education shall participate in the work of the management council with no voting rights.
- 5) The management council shall take care of the implementation of activities of the polytechnic and school of professional higher education according to their founding charter and the statute, particularly about the legality of their work, rational use of material and human resources, implementing expert council's decisions, granting consent on certain decisions of the dean and the expert council according to the statute, as well as performing other tasks stipulated by the statute.

2. STUDIES AT HIGHER EDUCATION INSTITUTIONS

A. TYPES OF STUDY

Types of Study: University and Professional Study

Article 69

- 1) Higher education shall be implemented as university and professional study.
- 2) University study shall qualify students for performing jobs in science and higher education, business community, public sector and society in general, as well as train them for developing and applying scientific and professional achievements.

- 3) Professional study shall offer students an appropriate level of knowledge and skills enabling them to perform professional occupations, and train them for a direct integration into the work process.
- 4) University and professional studies shall be harmonised with studies in the European Education Area respecting positive experience of other higher education systems.

University Study

Article 70

- 1) University education shall include three levels:
 - undergraduate education,
 - graduate education, and
 - post-graduate education.
- 2) University studies shall be organised and implemented at the university. Graduate and post-graduate study may be also implemented in co-operation with scientific research institutes.
- 3) Each level of university study shall end with attaining a certain title or degree.
- 4) Some curricula shall be implemented through the integrated first and second level of study. Such implementation of the study program shall be approved by the National Council for Higher Education.
- 5) Each level of studies from Para. 1 of this Article should be harmonised with the European Credit Transfer System (ECTS) that assigns 60 ECTS credits to one year of study.

Undergraduate Study

Article 71

- 1) Undergraduate university study shall normally last for three to four years and the student shall earn 180-240 ECTS credits. Undergraduate study shall train students for the graduate study and enable them an employment at specific professional jobs.
- 2) Upon the completion of the undergraduate study one is awarded an academic title of *baccalaureus* or *baccalaurea* (prvostupnik) with a reference to a specialisation unless stipulated otherwise by a special law.
- 3) Following a completion of undergraduate study, the academic title of *baccalaureus* or *baccalaurea* shall be used for international operations and in the English translation of the diploma.

Graduate Study

Article 72

- 1) Graduate university study shall normally last for one to two years and the student shall earn 60-120 ECTS credits. The graduate study may last longer, with the specific approval of the National Council for Higher Education.
- 2) A total number of credits earned at undergraduate and graduate study shall equal at least 300 ECTS credits.
- 3) Unless otherwise stipulated by the law, upon completion of a graduate university study students shall attain academic titles as follows:
 1. in case of university programs in medicine: “Doktor” (doctor) of (specialisation), abbreviated as “dr. (of specialisation)”;
 2. in case of other university programs: “Magistar” of (specialisation), abbreviated as “mag. of (specialisation)”.

- 4) The abbreviation of the above mentioned academic titles shall be placed after the name and surname of its holder.

Postgraduate Study Article 73

- 1) A student may enrol into a postgraduate university study upon completing a graduate university study.
- 2) As a rule, the postgraduate university study shall last three years and upon the completion of its requirements and a public defense of his/her doctoral thesis, a student shall be awarded the academic title of “Doctor of Science” (“dr.sc.”), or “Doctor of Arts” (“dr.art.”), respectively.
- 3) Individuals with accomplishments in science that equal in importance to conditions for appointment into a scientific research grade, based on the decision made by the responsible body at the university that has been established by the statute, may attain a Doctorate of Science by completion of its requirements and a public defense of his/her doctoral thesis
- 4) The abbreviation of the academic title shall be placed before the first and second name of its holder.
- 5) The university may organise a postgraduate specialist study lasting one to two years and award a title of a specialist in a certain field (abbreviated as “spec.”). The title of a specialist or its abbreviation shall be added to the academic title from Article 72, Para 3 of this Act.
- 6) University may stipulate by its statute that following a postgraduate specialist study a student be awarded a title that is not equal to the title from Para. 5 of this Article, in case that there is a special law stipulating specialist training in the respective professional field.
- 7) The university governs the award of ECTS credits at a postgraduate study by a general enactment, and prescribes the number of ECTS credits needed to register a doctoral dissertation a postgraduate university study.

Professional Study Article 74

- 1) Professional studies shall be implemented at the polytechnic or school of professional higher education. As an exception, professional studies may be also implemented at the university, with the expressed concordance by the National Council for Higher Education in accord with this Act.
- 2) Professional studies shall last two to three years and upon their completion the student shall earn 120-180 ECTS credits. Exceptionally, following the approval of the National Council for Higher Education, professional studies may last up to four years in cases when it corresponds to internationally accepted standards. Upon completion of such a study the student shall earn up to 240 ECTS credits.
- 3) Upon the completion of the professional study with less than 180 ECTS credits a student shall be awarded a relevant professional title pursuant to a special law.
- 4) Upon the completion of the professional study with 180 ECTS credits or more a student shall be awarded a professional title of *baccalaureus* with a reference to a specialisation, pursuant to a special law.
- 5) The abbreviation of the professional title shall be placed after the name and surname of its holder.
- 6) A polytechnic or school of professional higher education may organise a specialist graduate study for students who have completed a professional study or undergraduate university study. Such a study shall last one to two years and the student shall be awarded a title of a specialist of a respective profession (abbreviated as “spec.”). The title of a specialist shall be used in addition to a professional title acquired with a professional study or undergraduate university study.

**Transfer of ECTS Credits
Article 75**

- 1) A transfer of ECTS credits among different studies shall be possible.
- 2) Criteria and conditions of transferring ECTS credit from Para. 1 of this Article shall be stipulated by enactments of a higher education institution or by an agreement between higher education institutions, respectively.

**Establishing a Study by an Agreement and
Professional Development Programs
Article 76**

- 1) University, polytechnic or school of professional higher education may organise a certain study with a national or foreign legal entity or an individual. An accreditation for such a study shall be issued in a manner and following a procedure stipulated by Article 51 of this Act.
- 2) Higher education institutions may organise various professional development programs taking into consideration a concept of life-long learning and training. Such a program shall not be deemed as a course of study in the spirit of this Act. Following a completion of a professional development program a higher education institution shall issue a special attestation.

**B. ENROLLMENT INTO A STUDY,
ITS ORGANIZATION AND IMPLEMENTATION
Enrolment Criteria
Article 77**

- 1) Enrolment into a study shall be carried out based on a public competition announced by a university, polytechnic or school of professional higher education that implement it, at least six months prior to the commencement of instruction. The competition must include: enrolment criteria, enrolment quota, procedure, data on required documents, and closing dates for the competition and enrolment.
- 2) A university, polytechnic or school of professional higher education shall determine a procedure for selecting candidates in a manner that guaranties equality of all candidates withstanding their race, gender, language, religion, political or other believes, national or social origin, assets, birth, social status, disability, sexual orientation and age. A university, polytechnic or school of professional higher education shall determine criteria (achievements from previous education, type of completed education, results of an entrance or other exam, special knowledge, skills or ability etc). These shall be a base for classification and selection of candidates.
- 3) A university, polytechnic or school of professional higher education shall determine types of secondary education that are appropriate for entrance into a certain undergraduate or professional study.
- 4) A graduate study may be enrolled by an individual who has completed a relevant undergraduate study. A university shall determine undergraduate studies relevant for the enrolment into each graduate study, as well as conditions for enrolment of candidates who have completed another undergraduate study or a graduate university study.
- 5) Individuals with completed professional study may enrol into a graduate study if this is stipulated by enactments of the university implementing that study. Enrolment may be conditioned by taking differential exams.
- 6) Postgraduate study may be enrolled by an individual who has completed a relevant graduate study. A university may stipulate other conditions for enrolment into the postgraduate study.

- 7) Exceptionally, under conditions stipulated by a higher education institution, a study may be enrolled by an individual without relevant education, in cases of highly gifted individuals when there are reasons to expect that they will complete their study successfully with no previous education.
- 8) Foreign citizens shall enrol into a study under the same conditions as citizens of Croatia. However, according to a decision of a respective state authority or a higher education institution, they may be required to pay a portion or a full price of their study. Access may be limited or denied to foreign citizens in cases of military or police education or in case of another study with national security interests.

Curriculum Article 78

- 1) A study shall be organised according to a curriculum adopted by a higher education institution. Curricula implemented by a university shall be adopted by the university senate.
- 2) In the course of determining a curriculum, a higher education institution shall particularly take care that a study:
 - has been levelled with the most recent scientific endeavours and skills based on them;
 - has been harmonised with the national priorities and needs of the professional sector;
 - can be compared to programs in the member states of the European union.
- 3) A curriculum shall be adopted according to the statute and other enactments of the university, polytechnic or school of professional higher education, and it shall include:
 1. professional or academic title and degree acquired following the completion of a study;
 2. conditions for enrolment into a study;
 3. general contents of obligatory and elective courses and a number of hours required for their implementation;
 4. credit value of each course determined according to ECTS;
 5. modes for implementing the instruction and a manner of testing knowledge for each course;
 6. a list of courses that a student can choose from other university or professional studies, respectively,
 7. conditions for enrolment of students into a following semester or trimester, or the next year of studies, respectively, as well as preconditions for the enrolment of each course or a group of courses;
 8. a manner of completing a study;
 9. provisions on whether students that have discontinued their study or lost their right to study may continue their study and on conditions for the continuation of study.

Syllabi Article 79

- 1) Studies shall be implemented according to the syllabus adopted by a higher education institution. A syllabus shall be made public prior to the beginning of the instruction in a current academic year, and it shall be available to the public. It shall be obligatory to announce the syllabi at the official Internet site of the higher education institutions, including overviews of all lectures and other modes of instruction, as well as texts of the lectures and other modes of instruction in exceptional cases when the assigned readings are not available.

The syllabus shall determine:

1. teachers and associates who will hold classes in compliance to the curriculum;
2. venue of instruction;
3. commencement and completion, as well as timetables for classes,
4. modes of instruction (lectures, seminars, exercises, tutorials, tests etc.);

5. a manner of taking exams;
 6. examination terms;
 7. a list of assigned readings for studying and taking exams;
 8. a possibility for implementing instruction in a foreign language, and
 9. other facts important for a regular instruction.
- 2) A study may be organised through a distance learning system but it shall require a special approval by the National Council for Higher Education.

Academic Year

Article 80

- 1) The academic year shall begin on 1 October of the current year and end on 30 September of the following year.
- 2) Classes in the academic year shall be organised in semesters or trimesters pursuant to provisions of the statute of the university, polytechnic or school of professional higher education.

Marks

Article 81

- 1) Student's achievement at the exam or through other manner of testing student's knowledge shall be expressed with the following marks: "excellent" (5), "very good" (4), "good" (3), satisfactory (2), and "fail" (1). Passing marks 5,4,3, and 2 shall be entered into an "index" and/or other relevant document and/or student's register.
- 2) A syllabi may determine that some modes of instructions shall be implemented without assessment or that the assessment shall be descriptive.

Other Study - Related Issues

Article 82

- 1) A statute of a higher education institution or its enactments on rules for studying shall determine the examination rules in more detail (written / oral / practical parts of the exam, system of requirements for taking an exam etc), lodging a complaint against a mark, a procedure for re-taking an exam; content, format and a manner of keeping examination records; guarantying the public access to the exam, a right to see examination results, as well as other questions, if necessary.
- 2) Enactments from Para 1 shall be published in a manner that secures availability to the public, especially to students and candidates for acquiring a student status.
- 3) An academic or professional title or degree shall be revoked if it has been determined that they have been attained contrary to the conditions stipulated for their attainment, by severe violation of the studying rules or based on a doctoral thesis (dissertation) that has proved to be a plagiarism or a forgery.
- 4) Initiation and implementation of a procedure for revoking an academic or professional title shall be conducted according to provisions of the statute or enactments of a higher education institution where an academic or professional title has been attained.

C. COMPLETION OF A STUDY
Conditions for Completing a Study
Article 83

- 1) An undergraduate study shall be completed upon passing all the exams, and depending on the curriculum, producing a final paper and/or passing a final exam according to the curriculum.
- 2) A graduate study shall be completed upon passing all the exams, producing a diploma thesis and passing a diploma exam according to the curriculum.
- 3) A postgraduate study shall be completed upon passing all the exams, producing and public defence of a scientific or artistic doctoral dissertation.
- 4) A postgraduate specialist study shall be completed upon passing all the exams, producing a final paper and/or passing a final exam according to the curriculum.
- 5) A the curriculum may determine that a postgraduate artistic study shall be completed upon passing all the exams and/or passing a final exam in front of an examination committee and/or production or performance of an artistic work.
- 6) A procedure for application for, assessment and defence of a doctoral dissertation, or a production and/or performance of an artistic work, respectively, shall be stipulated by the university statute.
- 7) A professional study shall be completed upon passing all the exams. A the curriculum may also foresee passing a final exam and/or producing a final paper.
- 8) A specialist professional study shall be completed upon passing all the exams, producing a final paper and/or passing a final exam according to the curriculum.
- 9) Upon completion of a study according to the provisions of this Article, a student shall attain a relevant professional or academic title or degree, as well as other rights according to special regulations.

Documents on the Study
Article 84

- 1) Upon completion of the university undergraduate study a student shall receive a certificate testifying to the completion of a study and to the attaining of an academic or specialist title.
- 2) Upon completion of the graduate, postgraduate, and postgraduate specialist study a student shall receive a diploma. A diploma shall confirm that a student has completed his/her study and acquired rights to an academic title and degree.
- 3) Upon completion of the professional study, or a specialist professional study, respectively, a student shall receive a certificate testifying to the completion of a study and to the attainment of a professional or specialist title.
- 4) Upon completion of the professional development program a higher education institution shall issue an attestation.
- 5) In addition to a certificate, diploma or attestation a student shall also receive a supplement stating the exams that the student has passed, his/her marks and data on the teaching load and academic content. If requested by a student, a supplement may be issued before he/she completes the study.
- 6) Diplomas, certificates and attestations issued by higher education institutions shall be public documents.
- 7) The content of a diploma and supplement shall be stipulated by the Minister.
- 8) A format of a diploma and supplement, contents and format of a certificate, attestation and an information package for transfer of ECTS credits shall be stipulated by a university, polytechnic and a school of professional higher education.

Recognition of Foreign Diplomas and Professional Qualifications
Article 85

- 1) A procedure for recognition of foreign diplomas, as well as academic and professional qualifications shall be performed pursuant to a special law, or based on bilateral or multilateral agreements.

3. STUDENTS
Attaining Student Status
Article 86

- 1) A student status shall be attained by enrolment into a university, polytechnic or a school of professional higher education, and it shall be proved with an appropriate student document. Its minimal content shall be stipulated by the Minister, and its format by the university, polytechnic or a school of professional higher education.
- 2) A right to be enrolled into a higher education institution shall have all individuals fulfilling requirements from Article 77 of this Act, within a quota of a respective higher education institution. In case that a number of individuals fulfilling requirements from Article 77 of this Act exceeds the capacity of a relevant higher education institution, a right to study shall have individuals with better results in the entrance examination.
- 3) Students can have a full-time or a part-time status.
- 4) Full-time students shall study according to a curriculum based on full teaching load (full time). Pursuant to enactments of a university, polytechnic or a school of professional higher education, a cost of full-time study (curriculum) shall be subsidised partially or completely from the state budget.
- 5) Part-time students attend their study in addition to their job or other activity requesting a special program. Pursuant to enactments of a university, polytechnic or a school of professional higher education, a cost of part-time study shall be borne partially or completely by a student.

Advisor and Mentor
Article 87

- 1) A statute or enactments of a higher education institution may determine that an advisor should be appointed to a student to assist him/her in the study and monitor student's work and achievements.
- 2) A mentor shall be assigned to a postgraduate student obligatorily, if possible respecting student's wish.
- 3) Elaborated provisions on the advisor and mentor shall stipulate higher education institutions by their enactments.

Student's Rights and Obligations
Article 88

- 1) A student shall be entitled to:
 1. high-quality study and educational process foreseen by the curriculum;
 2. participation in professional and scientific work;
 3. consultations and tutorials with his/her mentor;
 4. freedom of thought and expressing opinions during lecture and other activities at higher education institutions;
 5. completion of his/her study in the shortest period;
 6. free use of library and other sources of information;

7. taking courses from other programs, according to the statute and university's regulations based on the statute;
 8. expressing opinion (assessment) of the quality of instruction and teachers;
 9. participation in decision-making, according to the statute of a higher education institution;
 10. a complaint in case of violation of student's rights stipulated by the law or enactments of a higher education institution;
 11. participation in the activities of student organisations;
 12. suspension of student obligations during military service, during pregnancy and up to the first year of a child, during longer illness and in other justified cases of discontinuing a study;
 13. appropriate psychological assistance and health care in student's health centres and other medical institutions, and
 14. other rights stipulated by the statute and enactments of a higher education institution.
- 2) A student is obliged to respect dynamics of the study and enactments of a higher education institution, as well as to comply with his/her academic and other obligations at a higher education institution in due time. Student disciplinary measures shall be stipulated by enactments of a higher education institution.
 - 3) Full-time students shall enjoy health insurance benefits, subsidised accommodation and meals, as well as other benefits pursuant to the law and regulations based on it. A level of those benefits and student's financial participation shall be stipulated by relevant regulations, and the result of the entrance exam and the study may be taken as a criterion.
 - 4) Full time students have the right for employment through actions by legal entities whose activity assures wholeness and the needed standard of the higher education system (student centres), in concordance with a set of rules brought by the minister.
 - 5) Higher education institutions shall perform an evaluation of the study by students using questionnaires or in another appropriate manner. Evaluation results shall be used for planning curricula and scientific programs at higher education institutions.

Termination of Student's Status

Article 89

A student status shall be terminated:

1. upon completion of the study;
2. by withdrawal from a university, polytechnic or a school of professional higher education;
3. by dismissal from the study according to a procedure and under the conditions stipulated by the statute or enactments of a higher education institution;
4. for failing to complete his/her study within terms stipulated by the statute and enactments of a higher education institution;
5. for other reasons stipulated by the statute and enactments of a higher education institution.

Student's Documents

Article 90

- 1) A higher education institution shall keep register with students' personal data as follows:
 1. register of applicants for the entrance procedure including the results of the procedure;
 2. personal register of enrolled students;
 3. register of examination results, and
 4. register of issued documents on completed study and attained academic titles and degrees.
- 2) Registers from Para. 1 of this Article shall be stored permanently by higher education institutions.

- 3) A manner of collecting, storing and disclosing data from Para. 1 of this Article shall be stipulated by the Minister in a special regulation taking into consideration protection of personal students' data.

4. TEACHING STAFF AND ASSOCIATES
Scientific Research -Teaching, Artistic-Teaching, Teaching,
Associate and Professional Grades
Article 91

- 1) Scientific research - teaching and artistic-teaching grades shall be assistant professor, associate professor and full professor.
- 2) Scientific research - teaching grades in the scientific component shall correspond to the scientific research grades as follows:
 1. a docent shall corresponds to a research associate,
 2. an associate professor shall correspond to a senior research associate,
 3. a full professor shall correspond to a scientific adviser.
- 3) Teaching grades shall be lecturer, senior lecturer, professor at a school of professional higher education, foreign language instructor, senior foreign language instructor, associate for arts and senior associate for arts.
- 4) Associate grades shall be assistant and senior assistant.
- 5) Professional grades shall be associate, senior associate and adviser.

Academic grades at the University and Corresponding Work Posts
Article 92

- 1) Appointments into scientific research - teaching, artistic-teaching, associate and teaching grades of a lecturer, senior lecturer, foreign language instructor, senior foreign language instructor, associate for arts and senior associate for arts, as well as appointments into professional grades shall be carried out at the university, pursuant to this Act, through a public competition. In cases when a university carries out professional study, it may also carry out the appointment into all teaching grades from Art. 91, Para 3 of this Act.
- 2) A person can be appointed into corresponding scientific research - teaching, artistic-teaching, associate and teaching grades without concluding an employment contract in case of fulfilling conditions for appointment into a relevant grade if he/she is participating or will be participating partially or fully in teaching a specific course (so called nominal grade) at a higher education institution.
- 3) A higher education institution can confer the performance of up to one third of a course to teachers, scientists, artists or experts without obligation of concluding an employment contract, pursuant to provisions of the statute and without appointments into a scientific research - teaching grade (so called visiting professors or teachers), under the condition that the rest of the course is taught by individuals appointed into scientific research - teaching, artistic-teaching or teaching grades.
- 4) Under the terms stipulated by the university statute, a prominent foreign professor or a distinguished expert that has not been appointed into the scientific research - teaching grade according to Croatian rules can be, with approval of the senate, entrusted to teach a particular course.
- 5) Postgraduate students can participate in teaching of undergraduate and graduate university study according to the curricula of the postgraduate study and university enactments.

Conditions for Appointment into Scientific Research - Teaching Grades
Article 93

- 1) A person can be appointed into a scientific research - teaching grade if he/she has been entered into the Register of Scientists from Article 23 of this Act with a scientific research grade attained in the relevant field, or if he/she fulfils the conditions for acquiring a respective scientific research grade, and conditions in terms of education, teaching and professional work stipulated by the Rectors' Conference, if he/she has the required psychophysical characteristics, as well as other prerequisites stipulated by the university statute. Scientific research -teaching grades shall be entered into the Register from Article 23 of this Act.
- 2) The candidate can be appointed into the scientific research - teaching grade if fulfilling the conditions for appointment into corresponding scientific grade as follows:
 - Assistant professor: research associate, senior research associate or scientific adviser;
 - Associate professor: senior research associate or scientific adviser;
 - Full professor: scientific adviser.
- 3) Conditions of the Rectors' Conference from Para. 1 of this Article shall be published in the Official Gazette of the Republic of Croatia. The manner of verifying these conditions and psychophysical characteristics shall be stipulated by the statute and other university enactments.
- 4) In case that the appointment into the grade of a full professor has been made by the university unit, a decision shall be confirmed by the senate of the university that initiated the process.

Conditions for Appointment into Artistic - Teaching Grades
Article 94

- 1) Teachers of courses in the fields that can be taught only by an artist shall be appointed into artistic-teaching grades and into corresponding work posts. An individual can be appointed into artistic-teaching grade if he/she has achieved artistic performance with importance corresponding to the conditions for appointment into scientific research - teaching work posts. Artistic-teaching work posts shall be completely equivalent to scientific research - teaching work posts, and stipulations of this Act referring to scientific research - teaching work posts shall be applicable to artistic-teaching work posts in the same manner.
- 2) The National Council for Higher Education shall determine in more detail conditions for appointment of teachers from Para. 1 of this Article in such a manner that publications needed for appointment into scientific research -teaching work posts are substituted adequately with public performances, exhibitions or other forms of public artistic performance.

Procedure for Appointment into Scientific Research - Teaching and Artistic- Teaching Grades and Corresponding Work Posts
Article 95

- 1) The procedure for appointment into scientific research - teaching and artistic-teaching grades and corresponding work posts shall be performed by the university or its component, according to the statute, and with adequate implementation of Articles 35 and 36 of this Act, based on a public competition to be published in the "Official Gazette of the Republic of Croatia", daily newspapers and the official web pages of the higher education institution.
- 2) A public competition for the appointment into one or more scientific research -teaching work posts announced due to the expiration of the work post period from the former competition shall

be announced not later than three months before the expiration of that period. Following a special decision by the expert council of the higher education institution, and with the consent of the employee, the announcement can be published earlier than a year before the expiration of the employee's term, but not sooner than three years following a previous appointment.

- 3) If some of the candidates has an adequate scientific research grade, in the course of the appointment into scientific research - teaching grade, the appointment into corresponding scientific research grade shall be performed with relevant application of Article 35 of this Act. After appointing all candidates who fulfil the conditions into scientific research - teaching grades, according to the statute and considering the conditions of the Rectors' Conference from Article 93, Para. 1 of this Act, within 60 days the university shall appoint into a scientific research - teaching grade and into a work post a candidate that meets best the conditions of the competition. All candidates shall be informed about the results of the competition within 15 days from its closing day.
- 4) If another person has been appointed in the competition process, the employee that has been working on that work post shall be offered an adequate work post or if such a position is unavailable the procedure shall be initiated for a regular termination of the employment contract on a personal basis.
- 5) If the employee does not apply to a public competition from Para. 1 of this Article or if the employee is not appointed due to failing to fulfil the requirements for re-appointment, the procedure shall be initiated for a regular termination of the employment contract on a personal basis, with no obligation of offering another corresponding work post.

Honorary Grades Article 96

- 1) Honorary scientific research - teaching or artistic-teaching grade shall be *Professor Emeritus*.
- 2) The university shall award the honorary grade of *Professor Emeritus* without a public competition to retired deserving full professors whose scientific or artistic work excelled and achieved international reputation.
- 3) The appointment procedure and the rights of *Professor Emeritus* shall be elaborated in detail by the university statute.

Associate Grades and Corresponding Work Posts at the University Article 97

- 1) Associate grades and corresponding work posts at the university shall be assistant and senior assistant. Assistants and senior assistants shall be selected among the ranks of the excelling students.
- 2) Assistants and senior assistants shall assist partially in the teaching process, tests, scientific, artistic and professional activities of the higher education institution in accordance with its enactments.
- 3) Associates at the university shall be appointed according to the statute of the higher education institution under the terms laid down in Article 43 of this Act.

Teaching and Professional Grades and Corresponding Work Posts at Universities, Polytechnics and Schools of Professional Higher Education Article 98

- 1) Teachers at polytechnics and schools of professional higher education shall be appointed into teaching grades and work post corresponding to those grades. Exceptionally, in cases from Para. 2 of this Article teachers shall be also appointed into teaching grades at the university. At the polytechnics and schools of professional higher education there are no work posts corresponding

to scientific research – teaching grades, but teachers appointed into scientific research -teaching or nominal grades at the university may teach in their grade at the polytechnics and schools of professional higher education.

- 2) At the university, faculty or academy of arts the appointment into teaching grades shall be performed according to their statute, for the purpose of professional study, in case they carry out professional studies, as well as for the purpose of courses that do not require a scientific approach, or at the academy of arts for the purpose of rehearsal and other aspects of assistance in the educational process.
- 3) A person who has completed a graduate study or professional specialist study can be appointed into a teaching grade of lecturer and into a corresponding work post, if the candidate has fulfilled requirements stipulated by the Rectors' Conference for the university, or the Council of Polytechnics and Schools of Professional Higher Education, respectively, if the candidate has at least three years of work experience in his/her profession; if the candidate's inaugural lecture held in front of teachers and students has been graded positively, in case that the candidate is being appointed into a teaching work post for the first time; and if the candidate has fulfilled conditions stipulated by the statute of the higher education institution.
- 4) A person who has completed a graduate study or professional and specialist study can be appointed into a teaching grade of senior lecturer and into corresponding work post, if the candidate has fulfilled necessary conditions stipulated by the Rectors' Conference for the university, or the Council of Polytechnics and Schools of Professional Higher Education, respectively; if the candidate has published professional articles if the candidate has at least five years of work experience in his/her profession; if the candidate's inaugural lecture held in front of teachers and students has been graded positively, in case that the candidate is being appointed into a teaching work post for the first time; and if the candidate has fulfilled conditions stipulated by the statute of the higher education institution.
- 5) A person that holds a doctoral degree can be appointed into a teaching grade of a professor of the school of professional higher education and into a corresponding work post at a polytechnics or a school of professional higher education if the candidate has fulfilled necessary conditions stipulated by the Council of Polytechnics and Schools of Professional Higher Education, respectively; if the candidate has participated in relevant projects and published articles that have influenced his/her profession substantially or published new articles after being appointed into the work post of senior lecturer; if the candidate has at least eight years of work experience in his/her profession; if the candidate's inaugural lecture held in front of teachers and students has been graded positively, in case that the candidate is being appointed into a teaching work post for the first time; and if the candidate has fulfilled conditions stipulated by the polytechnics or a school of professional higher education.
- 6) A person who has completed a graduate study can be appointed into the grade of foreign language instructor and into a corresponding work post, if the candidate has fulfilled necessary conditions stipulated by the Council of Polytechnics and Schools of Professional Higher Education, respectively; if the candidate has published professional articles, has at least three years of work experience in his/her profession and has fulfilled conditions stipulated by the statute of the higher education institution.
- 7) A person who has completed a graduate study can be appointed into the grade of a senior foreign language instructor and into a corresponding work post, if the candidate has fulfilled necessary conditions stipulated by the Council of Polytechnics and Schools of Professional Higher Education, respectively; if the candidate has published professional articles, has at least five years of work experience in his/her profession and has fulfilled conditions stipulated by the statute of the higher education institution.
- 8) A person who has completed a graduate study in arts can be appointed into the grade of an associate in arts and into a corresponding work post, if the candidate has fulfilled necessary conditions stipulated by the Council of Polytechnics and Schools of Professional Higher Education, respectively, if the candidate has acknowledged artistic activity, at least five years of

work experience in his/her profession and has fulfilled conditions stipulated by the statute of the higher education institution.

- 9) A person who has completed a graduate study in arts can be appointed into the grade of a senior associate in arts and into a corresponding work post, if the candidate has fulfilled necessary conditions stipulated by the Council of Polytechnics and Schools of Professional Higher Education, respectively, if the candidate has acknowledged artistic activity, at least ten years of work experience in his/her profession and has fulfilled conditions stipulated by the statute of the higher education institution.

**Associate Grade and Corresponding Work Post at Polytechnics and
Schools of Professional Higher Education
Article 99**

- 1) The associate grade at polytechnics and schools of professional higher education shall be an assistant.
- 2) Requirements for appointment into the associate grade of an assistant and into a corresponding work post shall be stipulated by statutes of polytechnics and schools of professional higher education.

**Professional Grades and Corresponding Work Posts at
Higher Education Institutions
Article 100**

Appointment into professional grades and corresponding work posts at higher education institutions can be carried out for the purpose of implementation of research and professional projects according to Article 44 of this Act, under the terms and procedures stipulated by the statute of the higher education institution.

**Procedure of Appointment into Teaching and Professional Grades and Corresponding Work
Posts at Higher Education Institutions
Article 101**

- 1) A procedure for appointment into teaching and professional grades and corresponding work posts shall be carried out by higher education institutions pursuant to the statute, on basis of a public competition announced in the Official Gazette of the Republic of Croatia, daily newspapers and the official web page of the higher education institution.
- 2) The competition for the appointment into the same or higher teaching and professional work post, announced due to the expiration of the term of the appointment based on a previous competition, shall be announced no later than three months before the expiration of the term. Following a special decision by the professional council of the higher education institution and with the employee's consent, the competition can be announced earlier than a year before the expiration of employee's appointment, but no sooner than three years following a prior appointment.
- 3) Not later than 90 days following the closing date of the competition a professional council of a higher education institution shall appoint into a teaching or professional grade and into a corresponding work post a candidate that meets best the conditions of the competition requirements of the Rectors' Conference and conditions of Article 98 of this Act. All candidates shall be informed about the results of the competition within 15 days from its closing date.
- 4) If another person has been selected in the competition process, the employee with the respective work post shall be offered an adequate work post. In case that such a work post is unavailable the

procedure shall be initiated for a regular termination of the employment contract on a personal basis.

- 5) If the employee does not apply to a public competition from Para. 1 of this Article or if the employee has not been selected due to failing to fulfil the requirements for re-appointment, the procedure shall be initiated for a regular termination of the employment contract on a personal basis, with no obligation of offering another corresponding work post.

**Employment Contract for Scientific Research - Teaching,
Artistic - Teaching, Teaching and Professional Work Posts
Article 102**

- 1) Persons appointed into scientific research - teaching, artistic-teaching, teaching and professional work posts shall conclude a permanent employment contract with the obligation of re-appointment or advancement every five years. If the employee is not re-appointed due to failing to fulfil requirements for re-appointment, the procedure from Article 95 Para. 5 and Article 101 Para. 5 of this Act shall be applied.
- 2) The obligation of re-appointment ends with the second appointment into a scientific research - teaching work post of a full professor or a teaching post of a professor at a school of professional higher education (permanent grade).
- 3) An employee can be appointed only twice into the work post of an assistant professor or an associate professor, a lecturer and senior lecturer.
- 4) Exceptionally, if following the second appointment the employee is not appointed into a higher teaching grade, and a professional council of the higher education institution determines a need for further contracting, the higher education institution can, at the occasion of future appointments, conclude a contract for a period no longer than five years.
- 5) Employees appointed into scientific research - teaching, artistic-teaching and teaching grades shall occasionally have the right to pause their terms for appointment into grades and work posts pursuant to Article 45 of this Act and in the period of performing duties of a rector, vice-rector, heads of university units or while performing a public duty.
- 6) An employee with a scientific research - teaching, artistic-teaching and teaching work post at the higher education institution shall terminate the employment contract and retire at the end of the academic year in which he/she attains 65 years of age.
- 7) When there is a need for continuation of his/her work, the higher education institution can allow a full professor with a permanent grade, and a professor at school of professional higher education with a permanent grade to extend their employment contract to the end of the academic year in which he/she attains 70 years of age. In the procedure particular importance shall be attributed to the candidate's scientific contribution, good results in teaching and education of young researchers and teachers.

**Rights and Duties of Teachers and Associates
Article 103**

- 1) Teachers and associates shall be obliged to perform their teaching and other duties regularly according to enactments of the higher education institution, as well other duties related to scientific, artistic and professional work carried out at a higher education institution. They should pay particular attention to their work with students and motivate their individual work and integration into professional, scientific and artistic work.
- 2) Contractual relationships of teachers and associates with other legal entities other than their employer can be forbidden, restricted or put under conditions in cases of possible negative influence on the work of the higher education institution, or if the contract implies an

organisation that with its activities competes with the higher education institution that has concluded an employment contract with a teacher or associate.

- 3) A teacher or researcher may according to conditions stipulated by the statute of the higher education institution, use paid sabbatical leave for a duration of one year for the purpose of scientific, artistic or professional work. During the sabbatical leave, the university should organise continuous instruction and secure that other obligations are fulfilled.
- 4) Upon a decision of the relevant body of the higher education institution, the teacher may be allowed short-term or long-term leaves for the purpose of scientific, artistic or professional training, or some other justified reason. In the course of such a leave the teacher's benefits and obligations from the contractual relationship may be suspended for the time or continued partially, according to the decision of the relevant body and/or contract concluded between the teacher and the higher education institution. Continuous instruction must be secured or an adequate replacement must be arranged.
- 5) The teacher or professor, during the performing of the public duty he/she has been appointed to (the teacher or scientist appointed to a duty in the Parliament, a public servant appointed by the Parliament, the president of the Republic of Croatia, the Government, , the Constitutional Court, the Župan, Vice-župan, the mayor and vice mayor of Zagreb), in other terms because of which a work contract has been signed, can teach or conduct research at the higher education institution or research organization by signing a work contract for full time or over full-time work or other suitable contract. The teacher or scientist who is performing public duty has the right, according to the contract with the higher education institution or scientific organization, come back to the work post he worked at before the beginning of public duty, or at another suitable work post.
- 6) Provisions of this Article shall also refer in an adequate manner to scientists in public scientific research institutions. A collective contract can apply rights from this article to scientists in private research institutions.

Disciplinary Responsibility Article 104

- 1) Teachers and associates shall be responsible in disciplinary terms for the breach of their professional and other obligations arising from their work or related to it, as well as for extreme disturbance of reputation of the higher education institution, pursuant to its statute.
- 2) One can be held accountable for disciplinary responsibility if the offence has been stipulated by the enactment of the higher education institution at the time when it has been committed and if there is a specific disciplinary measure assigned to it.

5. THE RECTORS' CONFERENCE AND THE COUNCIL OF POLYTECHNICS AND SCHOOLS OF PROFESSIONAL HIGHER EDUCATION The Rectors' Conference Article 105

- 1) The Rectors' Conference shall include all rectors of universities in the Republic of Croatia. A representative of the Council of Polytechnics and Schools of Professional Higher Education shall participate in the work of the Rectors' Conference without voting rights.
- 2) The Rectors' Conference shall decide on matters of common interest for the operation and development of the universities in the Republic of Croatia.
- 3) The Rectors' Conference shall adopt its rules of procedure regulating its operation and decision-making.
- 4) The Rectors' Conference shall:

1. prescribe requirements for the evaluation of teaching and professional activities in the procedure of appointment into scientific research - teaching, artistic-teaching and teaching grades, or work posts, respectively;
2. nominate members of the councils for science and arts, and field councils;
3. nominate members of the Council for Financing Scientific Activity and Higher Education;
4. review difficulties related to operation and development of the universities, make recommendations and deliver opinions on those issues, and
5. perform other activities stipulated by this Act and tasks entrusted by universities.

The Council of Polytechnics and Schools of Professional Higher Education

Article 106

- 1) The Council of Polytechnics and Schools of Professional Higher Education shall consist of deans of all polytechnics and schools of professional higher education in the Republic of Croatia. A representative of the Rectors' Conference shall participate in the work of the Council without voting rights.
- 2) The Council of Polytechnics and Schools of Professional Higher Education shall decide on issues of common interest for operation and development of polytechnics and schools of professional higher education.
- 3) The Council of Polytechnics and Schools of Professional Higher Education shall adopt its Rules of Procedure.
- 4) The Council of Polytechnics and Schools of Professional Higher Education shall:
 1. prescribe requirements for evaluation of teaching and professional activity in the process of appointment into teaching grades, or work posts, respectively;
 2. nominate members for the Council for Financing Scientific Activity and Higher Education among the ranks of polytechnics and schools of professional higher education;
 3. review difficulties related to the activities and development of polytechnics and schools of professional higher education, make recommendations and deliver opinions on those issues, and
 4. perform other activities stipulated by this Act and tasks entrusted by higher education institutions.

V. FINANCING SCIENTIFIC ACTIVITY AND HIGHER EDUCATION

Financial resources

Article 107

- 1) Higher education institutions, institutes and other scientific research organisations shall be financed from:
 1. sources of the founders,
 2. state budget of the Republic of Croatia,
 3. budget of the counties, cities and municipalities,
 4. National Foundation for Science, Higher Education and Technological Development of the Republic of Croatia,
 5. their own incomes earned on the market from fees, research, artistic and professional projects, elaborations, expertise, publishing and other activities,
 6. university and other foundations, incomes of companies and other legal entities from Article 66 of this Act,
 7. direct investments by individuals, companies and other legal entities,
 8. donations and
 9. other sources.

2) Universities, polytechnics, schools of professional higher education and public scientific research institutes may be financed only by sources that do not affect their autonomy and dignity. Their own income may be generated only through activities that do not harm the implementation of basic tasks of universities, polytechnics, schools of professional higher education and public scientific research institutes.

Proposal of Budgetary Sources and Their Allocation

Article 108

(1) The National Science Council and the National Council for Higher Education shall establish the criteria for allocation of budgetary sources for scientific activity and higher education based on the proposal of the Council for Financing Scientific Activity and Higher Education.

(2) Approving the criteria, the Minister shall compile budget proposals prepared by scientific research organisations and universities, polytechnics and schools of professional higher education, and elaborate a budgetary proposal for financing science and higher education. The proposal shall incorporate overall amounts for individual universities, polytechnics, schools of professional higher education, scientific research institutes and other scientific research organisations, as well as amounts for financing scientific research projects, collaborative scientific research programs, associate work posts and acquisition of scientific research equipment, as well as funds for covering operational expenses of the National Science Council, National Council for Higher Education, Agency and other bodies.

(3) Before submitting the budget proposal to the Government of the Republic of Croatia, the Minister shall ask for the written opinion of the National Science Council and National Council for Higher Education and submit it to the Government of the Republic of Croatia.

(4) Funds for developing the system of science and higher education, scholarly publishing, scholarly conferences, scholarly associations and scholarly-professional associations, shall be distributed by the Minister based on a public competition and opinion delivered by relevant commissions appointed by the minister.

(5) Minimal wages of the participants in science and higher education shall be defined by a collective agreement pursuant to the law.

Financing Higher Education Institutions

Article 109

1) Public universities, polytechnics and schools of professional higher education shall be financed from the state budget considering the capacity of each higher education institution, of the cost particular studies and evaluation of their quality based on the assessment from Article 16 of this Act.

2) Private higher education institutions may be financed from the state budget based on a previously signed contract, under the following conditions:

- a) performing an activity in which the social needs surpass the available potential of the public higher education institutions or if their services are of special interest for the government,
- b) comply with conditions prescribed by the law,
- c) meet the criteria and priorities determined by the National Council for higher education, taking into consideration the available resources and quality of respective institutions.

3) The resources from the governmental budget intended for universities, polytechnics and schools for professional education shall be transferred to them as a lump sum, and the users shall use their budgets to allocate the resources to specific uses, respecting the statute and other general enactments. The university budget shall be adopted by the senate and proposed by the rector,

while the budget of the polytechnics and schools of professional higher education shall be adopted by the professional council and proposed by the dean.

- 4) University units shall channel a part of their income from Article 107 Para. 1 of this Act into the university budget to be used for capital investments and development programs, according to university enactments.

Financing Public Scientific Research Institutes **Article 110**

- 1) Budget of a public scientific research institute shall be adopted by the management council and proposed by the scientific council following the consent by the Minister.
- 2) Units of a public scientific research institute shall be obliged to earmark a portion of its funds earned from performing professional activities on the market into the annual budget of the institute, according to institute's enactments.

Financing Scientific Research Projects, Associate Work Posts and Scientific Research Equipment **Article 111**

- 1) The Ministry shall announce, after receiving the opinion of the National Council for Science, a public competition for state budget financing of scientific research projects, collaborative scientific research programs, associate work posts of young researchers, and scientific infrastructure and equipment. Competitions shall be open for applications until their recall (open competition), while decisions about financing shall be brought periodically, at least four times a year for young researchers, and at least once a year in other cases, in accordance with available funding.
- 2) The competition for scientific research projects and collaborative scientific research programs shall be open to scientific research organisations, scientists and groups of scientists. Scientific research organisations may apply to competitions for associate work posts and procurement of scientific research infrastructure and equipment.
- 3) The decision about financing of projects, associate work posts and procurement of scientific equipment is brought by the Minister. The evaluation shall be based on an anonymous assessment of independent Croatian and foreign experts, whose list according to specific research fields is brought by the National Science Council.
- 4) A scientific research organisation shall conclude a contract with the Ministry on allocation of resources from the state budget for procurement of capital scientific research equipment as well as that of average value. The contract shall stipulate a method of using equipment by other scientific research organisations and scientists whose activities are financed or co-financed from the state budget. The Ministry shall keep a register of scientific research equipment purchased partly or exclusively from the budget.

VI. ETHICS IN SCIENTIFIC ACTIVITY AND HIGHER EDUCATION
Ethics Committee, Code of Ethics and Ethics Commissions
Article 112

- 1) Following a proposal by the Government, the Croatian Parliament shall appoint the Committee for Ethics in Science and Higher Education composed of nine members. Six among them shall be appointed among the ranks of eminent scientists and university professors and three shall be respectable public figures. Their term of office shall be four years. Members of the committee shall be proposed by the National Council for Higher Education, National Science Council, Croatian Academy of Sciences and Arts, Rectors' Conference, Council of Polytechnics and Schools of Professional Higher Education, scientific research organisations, university, Minister and other organisations and individuals according to the announcement inviting proposals for members of the Committee.
- 2) The Ethics Committee shall have a president and vice-president and they shall be appointed by the members from their ranks.
- 3) Committee's mission shall be to promote ethical principles and values in science and higher education, business and public relations, as well as in the application of advanced technologies and environmental protection.
- 4) The Committee shall adopt a code of ethics determining principles of ethics in higher education, publication of results, relations among scientists, teachers and other participants in the process of science and teaching, procedures and activities related to market competition, as well as relations to the public and the media.
- 5) The Ethics Committee shall operate at sessions. The Committee shall reach their opinions and positions on ethical acceptability or unacceptability of reviewed cases in the form of recommendations, proposals, or remarks by the majority of votes. Members of the Committee may also submit a minority opinion.
- 6) The Ethics Committee shall submit a report on its work to the Croatian Parliament at least once a year.
- 7) Higher education institutions, scientific research institutes and other scientific research organisations may pursuant to their statute establish their ethics commissions and adopt their codes of ethics. At least one member of the ethics commission at a higher education institution shall be a student.

VII. MONITORING
Monitoring Legality
Article 113

- 1) The Ministry shall monitor legality of operation and enactments of higher education institutions and other scientific research organisations.
- 2) Monitoring from Para. 1 of this Article shall be conducted in a manner that does not disrupt the university autonomy nor regular operation of higher education institutions and other scientific research organisations.
- 3) Based on the monitoring results, the Ministry may stop the implementation of illegal decisions and activities of higher education institutions and scientific research organisations.

VIII PROVISIONS ON OFFENCES

Offences and protective measures

Article 113a

- (1) A fine of 30,000 to 100,000 HRK will be imposed on any legal entity that commits one or more of the following offences:
1. performs selection into scientific, scientific-teaching, art-scientific, associate or teaching professions without formal authorisation (Article 34, Para. 1, Article 92, Para. 1 and Article 98, Para. 1 and 2)
 2. selects a person for whom it is leaned or has to be known that the person does not fulfil the requirements for selection or if the selection is not performed according to the process of selection stipulated by this Act,
 3. does not terminate a person selected into scientific, scientific-teaching, art-scientific, associate or teaching profession and assigned to the appropriate work post in cases when this Act stipulates termination based on failure to fulfil the requirements for re-selection or advancement or if the person does not respect provisions of this Act on the retirement of the scientist and teacher,
 4. performs the selection into scientific, scientific-teaching, art-scientific, associate or teaching profession or performs a selection into the appropriate work post without a public competition if it is stipulated by this Act that the selection should be based on a public competition,
 5. disregarding Article 50. of this Act uses the title of University, Faculty, Art academy, or uses the word “academy” with the name of the field of art and Polytechnic or School for Professional studies, or another title that includes any of these terms,
 6. starts to practice scientific or higher education activities without a permit or practices these activities without a permit when one is needed pursuant to this Act or practices these activities in a way not specified in the permit,
 7. does not specify the the governing bodies or theirs structure as stipulated by this Act,
 8. enrolls students in the program or in a higher level of study without the conditions as being fulfilled as stipulated by this Act and a general enactment of the higher education institution,
 9. issues documents of study contrary to the Article 84 of this Act or does not issue documents of study even though the conditions for that have been fulfilled as stipulated by this Act and the general enactment of the institution,
 10. does not maintain a database of student information (Article 90),
 11. does not act according to Article 114, Para. 3 and 8 and Article 116, Para. 1 of this act
- (2) A fine of 5,000 to 10,000 will be imposed on each natural person and responsible person in the legal entity if any f the offences from Para. 1 of this article are performed.
- (3) The authorized person to seek the start of the legal process to determine offences from this article is the Minister or a person appointed with this duty by the Minister.
- (4) The person who is the offender from Para.s 1 and 2 of this article can be prohibited to perform in the profession, activities and duties to a natural person and responsible person in the legal entity, or a legal entity can be imposed with the protective measure of prohibiting to perform activities in the time of 3 month to a year.

IX. TRANSITIONAL AND FINAL PROVISIONS

Organisational Changes

Article 114

- 1) The founding rights upon public universities, polytechnics, schools for professional higher education and other research organizations are retained by the Republic of Croatia, if the establishment enactment does not stipulate otherwise.
- 2) Founding rights upon faculties, art academies and other units of the university are retained by the university.
- 3) The statute and other general enactments of higher education institutions and research organizations will be harmonized with this Act until March 1st 2005. After this due date, the organizations and institutions that have not completed harmonization cannot be financed from the state budget.
- 4) Higher education institutions and other research organizations founded under existing rules will continue with their work under existing general enactments until the day of harmonizing in Para. 3 of this article.
- 5) Rectors and vice rectors of universities and polytechnics, deans and vice-deans of university units and schools of professional higher education, and directors of public scientific research institutes appointed before the time of entry into force of this Act shall retain their duties until the expiration of their term of office, taking into consideration that on the day of harmonising in Para 1. of this Article rectors and vice-rectors of polytechnics shall become deans and vice-deans.
- 6) Legal integration of university shall commence on the day of entry into force of this Act, and it shall be completed not later than on 31 December 2007.
- 7) In the procedure of changing status of higher education institutions undergoing integration or separation, a tax exemption shall apply for transferring assets between these higher education institutions.
- 8) Universities and their higher education institutions (faculties and academies of arts) may continue with activities in the scope of the university until the harmonising of their organizational structure and programs with his Act, and the latest being 2010/2011 academic year.

Appointment of the First Convocation of the National Council for Higher Education and the National Science Council, and Other Bodies Foreseen by this Act, and the Establishment of the Agency for Science and Higher Education

Article 115

- 1) The first convocation of the National Council for Higher Education and the National Science Council shall be appointed the latest on 31st December 2004.
- 2) By way of an exception from provisions of Article 9 Para. 2, Article 10 Para. 2, and Article 11 Para. 2 of this Act, the Croatian Parliament shall appoint all twelve members of the first convocation of the National Council for Higher Education and the National Science Council. Six members with the two-year term of office shall be decided by draw. The remaining six members shall have a four-year term.
- 3) Until the appointment from Para. 1 of this Act the National Council for Higher Education founded pursuant to the Higher Education Act, and the National Science Council founded pursuant to the Act on Scientific Research Activity shall continue with their work and perform tasks under their jurisdiction pursuant to the provisions of these Acts.
- 4) Following the appointment of the first convocation of the National Council for Higher Education and the National Science Council, these bodies shall take over all the tasks from Para. 3 of this

Article, and the existing National Council for Higher Education and the National Science Council shall cease to operate.

- 5) No later than 1st June 2005, the National Science Council shall adopt regulations determining scientific areas, fields and disciplines, set criteria for the appointment into scientific research grades, appoint members of councils for areas of science and arts, and field committees.
- 6) The Government of the Republic of Croatia shall establish the Agency for Science and Higher Education by a decree not later than 31st of December 2004. The Agency will start with its activities no later than the 1st of March 2005. Until the beginning of its activity, all issues under the agency's responsibility will be dealt with by the bodies of universities and the Ministry.
- 7) All other bodies foreseen by this Act shall be established not later the date in Para. 5 of this Act.. Existing bodies shall continue with their operation until then according to former regulations.

New Structure of Studies and Continuation of Studies Pursuant to Former Regulations Article 116

- 1) Studies at higher education institutions shall start their restructuring at the day of entry into force of this Act. Restructuring shall be completed and the studies shall be implemented pursuant to the provisions of this Act not later than the 2005/2006 academic year and the ECTS system must be introduced until then. Postgraduate studies shall be organised and implemented pursuant to the provisions of this Act not later than the 2004/2005 academic year.
- 2) Students enrolled into undergraduate and postgraduate master's or doctoral studies on the day of entry into force of this Act shall be entitled to complete their study according to the curriculum and conditions valid at the time of their entry into the first year of study, and to acquire a relevant academic degree according to regulations valid prior to the time of entry into force of this Act. Students who have received approval of their dissertation topic without doctoral study according to prior regulations shall be entitled to defend their doctoral dissertation and acquire a doctorate of science according to regulations valid until the time of entry into force of this Act.
- 3) A higher education institution may limit duration of rights to complete a study from Para. 2 of this Article to a certain period, but not shorter than a number of years required for completion the study according to a program valid at the time when a student started his/her study increased by two years.
- 4) Following the introduction of the studies pursuant to this Act, students from Para. 1 of this Article who do not complete their study according to a former curriculum and syllabus may continue their study pursuant to this Act and a curriculum based on it, pursuant to enactments of a higher education institution.
- 5) Three years following the time of entry into force of this Act, the National Council for higher Education may approve exceptionally an accreditation for a new study to a higher education institution that does not comply with the requirement laid down in Article 51, Para. 3, Item 2, under the condition that a higher education institution fulfils it in the period not longer than five years.

Existing Grades Article 117

- (1) Individuals appointed into scientific research grades, scientific research - teaching, artistic-teaching, teaching and associate grades at the time of entry into force of this Act shall retain their grades, and their scientific research grades shall be entered into the Register of Scientists pursuant to Article 23 of this Act.

(2) In case that this Act or regulations valid prior to the time of entry into force of this Act in reference to existing grades or work posts require a re-appointment shall be conducted within the period foreseen by the regulation that served as a legal base for the appointment.

(3) As an exception, the higher education institution and other research organization may extend the work contract for a full professor or scientific advisor who on the day of 1st January 2004 was 63 years old and was not awarded tenure, pursuant to article 102, Para. 7 and Article 42, Para. 6 of this Act.

Ongoing Appointments into Grades and Work Posts

Article 118

- 1) Appointments into scientific research - teaching, artistic-teaching, scientific research grades, and teaching grades, as well as appointments into relevant work posts initiated pursuant to provisions valid prior to the time of entry into force of this Act, shall be completed pursuant to those regulations not later than 1st June 2005.
- 2) Competitions for appointment into scientific research - teaching, artistic-teaching, scientific research grades, and teaching grades, as well as appointments into relevant work posts may be announced pursuant to regulations of the Act on Higher Education and the Act on Scientific Research Activity but not later than December 31st 2004.
- 3) Provisions laid down in Article 117 of this Act shall apply to individuals appointed pursuant to Para. 1 and 2 of this Article.

Provisions on Associates

Article 119

- 1) Following the entry into force of this Act, individuals appointed at the work post of a young researcher without the associate grade, or individuals appointed into the research grade of junior assistant, assistant and senior assistant, shall conclude a new employment contract for a work post of an assistant or senior assistant, respectively, pursuant to this Act, the latest on 31st of December 2004, except if the work contract has already expired..
- 2) The duration of the previous contract will be counted into the duration of the contract from the previous paragraph for the work post of young researcher, assistant and higher assistant. Under the expiration of the due date or with the signing of a new contract, the previous contract expires.

Existing Academic Titles and Degrees

Article 120

- 1) University and professional studies under the regulations that were valid until the day of entry into force of this Act are equal in rights with corresponding university graduate and professional studies under this Act, and the individuals who have attained a qualification from these studies retain the same rights as the individuals who attain the qualifications from the corresponding program under this Act, including the right to an academic or professional title from Article 72 and 73 of this Act.
- 2) Individuals from Para. 1 may request a higher education institution that awarded their academic degree to issue a document (certificate or a diploma) following a procedure and under conditions foreseen by enactments of a higher education institution. A document shall testify that previously attained academic degree corresponds to an academic degree laid down in Articles 71 – 74 of this Act. In case that a higher education institution that awarded an academic degree or its legal successor no longer exists, the National Council for Higher Education shall determine a higher

education institution entitled to decide about this request. If the higher education institution has determined that the previously earned academic title corresponds to one of the academic titles from articles 71-74 by a general enactment, individuals from paragraph 1 of this article may use the title even without a diploma or certificate.

- 3) A doctorate of science attained pursuant to regulations valid prior to the time of entry into force of this Act shall be equal to a doctorate of science attained pursuant to this Act, and their holders shall be entitled to equal rights as individuals who attain a doctorate of science pursuant to this Act.
- 4) Individuals who have attained a master of science pursuant to regulations valid prior to the entry into force of this Act may, according to university enactments, attain a doctorate of science by defending a doctoral dissertation, according to regulations valid at the day time of entry into force of this Act, not later than eight years following the time of entry into force of this Act.
- 5) Individuals who have enrolled a postgraduate scientific study (master) pursuant to regulations valid prior to the entry into force of this Act should, upon submitting a request and passing all exams and possible differences in exams to be determined by a respective higher education institution, be enabled to complete their postgraduate study by elaboration of a doctoral dissertation.

Passing Subordinate and Other Legislation

Article 121

- 1) In cases foreseen by this Act the Minister shall pass subordinate legislation and organise required registers not later than the 31st of December 2004.
- 2) Other bodies authorised for passing subordinate legislation or other enactments foreseen by this Act shall pass them not later than three months following the time of their establishment.

Applying Provisions on Financing

Article 122

- 1) Financing science and higher education pursuant to provisions of this Act shall start on January 1st, 2006. Until then financing shall be performed pursuant to regulations valid before the time of entry into force of this Act.
- 2) Scientific research projects with concluded financing contracts shall keep receiving funding according to a current contract until its expiration, unless a more favourable mode of financing may be identified by a new contract, upon consent of both parties.

Termination of Validity of Former Regulations

Article 123

- 1) The Act on Scientific Research Activity (the Official Gazette of the Republic of Croatia no. 59/96) and the Act on Higher Education Institutions (the Official Gazette of the Republic of Croatia nos. 59/96, 14/00 and 26/00, 67/00, 02/99, 94/00, 129/00), as well as regulations based on them shall cease to be valid at the time of entry into force of this Act. The exception shall be made for provisions referred to in this act as applicable until a certain period following the time of entry into force of this act.
- 2) Subordinate legislation passed pursuant to the Act on Scientific Research Activity and the Act on Higher Education Institutions shall remain applicable following their termination of validity until relevant regulations pursuant to this Act will have been passed, unless these are in conflict with the provisions of this Act.

Entry into Force of this Act
Article 124

This Act shall enter into force 15 days following its publication in the Official Gazette.

Zagreb: August 30th 2004