

Decree-Law No. 74/2006, of 24 March

One of the main aims of the 17th Constitutional Government's programme regarding its higher education policy for the period of 2005-2009 is to guarantee the qualification of Portuguese people in the European area, implementing the Bologna Process, a unique opportunity to promote higher education attendance, improve the quality and relevance of the courses offered, encourage the mobility of students and graduates and the internationalization of the courses.

Pursuant to that commitment, in April 2005, the Government presented a proposal aimed at introducing indispensable amendments to the articles of the Framework Law on Education regarding the organization of higher education to make that objective real.

Law No. 49/2005, of 30 August, 1995, which amended the Framework Law on Education, stated namely:

The creation of conditions for all citizens to have access to lifelong learning, altering the conditions of access to higher education for those who did not choose to start it at the referent age. Higher education institutions took up the responsibility of selecting those people and creating conditions for recognising their professional experience;

The adoption of a three-cycle model for higher education;

The transition from an education system based on the idea of transmission of knowledge to a system based on the development of competences;

The adoption of the European Credit Transfer and Accumulation System (ECTS) based on student workload.

Following the amendments to the Framework Law on Education, the Government has approved three diplomas that structure higher education regarding the technological specialization courses, special access conditions, and degrees and diplomas concerning:

Higher education academic degrees and diplomas (title II);

The general principles which the accreditation procedure is subordinated to (title III);

The applicable rules regarding the reorganization of currently existing courses (title IV);

The applicable transitory rules concerning the creation of new cycles of studies until the agency of accreditation (title V) is created and comes into force;

The applicable rules for the registration of amendments, namely those regarding study programmes (title VI).

Chapters II to IV of title II, thoroughly characterize each of the three cycles of studies within the framework of the efforts developed under the scope of the Bologna Process. The most relevant aspects of that characterization are:

The organization of higher education into three cycles as stated by the Framework Law on Education;

The differentiation of objectives between the polytechnic and university subsystems, in light of the comparable European experience, in a context of equal dignity and exigence but with different vocations;

The definition of objectives for each of the cycles of studies vis-à-vis the competences that must be acquired, adopting the results of the collective work carried out in Europe and concretised in the Dublin descriptors, whilst not forgetting that the transition from an education system based on the transmission of knowledge to a system based on the development of student competences is a core issue in Europe, and particularly in Portugal;

The organization of the courses based on the European Credit Transfer and Accumulation System.

The analysis of the European experience shows that the 1st cycle usually corresponds to 180 credits, i.e., three school years.

For some small number of professions a longer training period is internationally demanded, which will correspond to four, five or six school years.

In this above group there are specific courses that have been regulated by community coordination standards that state the minimum training conditions, such as those in Directive No. 2005/36/CE, of the European Parliament and the Council, dated 7 September, 2005 (Official State Gazette, No. L 255 of 30 September, 2005), explicitly doctors, general care nurses, dentists, veterinarians, nurses specialized in maternal care and midwives, chemists and architects.

On the other hand, there are also those whose longer training period results from a stable and consolidated practice within the European Union, such as some areas of conception engineering.

Finally, there are those which must correspond to more than 180 credits due to national legal requirements currently in force.

The adoption of artificially long training periods, outside this European reference context, is not naturally acceptable, not only because that would represent a waste of resources, but also because of the harm that would do to the students of Portuguese higher education institutions. Thus, and without prejudice to the autonomy of the institutions, the financing formula will take into consideration the European reference periods.

Pursuant to the amendments introduced to the Framework Law on Higher Education Financing by Law No. 49/2005, of 30 August, 2005, the present decree-law also regulates the means of determining the fees due for enrolment in the cycle of studies that leads to a Masters degree at public institutions. The law establishes that when the fees are related to a cycle of studies leading to a “licenciatura” degree, indispensable for professional practice, their value is established following the same principles provided in the law for licenciatura courses pursuant to the understanding explicitly stated by the Government when approving the amendments to the Framework Law on Education.

In defining the objectives and conditions for attributing of each academic degree the specifics of different areas, namely the artistic area, were taken into consideration. This is, however, an area on which we must reflect deeply, starting now with the aim of creating the most favourable conditions for developing it within the framework of higher education, similar to experiences in other countries.

Chapter V establishes the general rules regarding training in higher education not conferring degrees.

Chapter VI establishes a faculty association of national or foreign higher education institutions for the joint realization of cycles of studies, and establishes the rules for the attributing degrees or diplomas within that framework, explicitly envisaging the possibility of attributing joint diplomas. Thus, a legal framework has been established for developing network education projects and for developing international

partnerships, which generates synergies between the institutions and optimizes existing resources.

Chapter VII introduces standards for the mobility of students between courses and higher education institutions in order to establish a new reference structure pursuant to article 13(4) of the Framework Law on Education. This new structure will make mobility easier, by eliminating the old-fashioned equivalence system, assigning credits to training under the scope of other higher education cycles in national or foreign higher education institutions, and introducing the possibility of assigning credit value to professional experience and post-secondary education training.

Finally, chapter VIII introduces a set of innovative dispositions, which include the obligatory legal registering of digital versions of Masters and Doctorate dissertations and theses at the National Library and Observatory of Science and Higher Education, the express authorization to use foreign languages during classes and in the elaboration and discussion of dissertations and theses, and the use of teleconferencing for preparatory meetings of the juries.

Title III establishes the general principles which the cycles of studies accreditation is subject to, which are an indispensable part of their operation.

That accreditation will be carried out within the framework of the European system of quality assurance in higher education. As a general rule, higher education institutions will be accredited for certain education fields by an agency with scientific and technical autonomy that shall be created and regulated by its own diploma.

It has been made equally clear that, although accreditation is essential for the state to finance the cycles of studies in public education, it is not the sole condition, since financing is obviously subject to the order of the higher education network under the framework of the legal system in force.

Title IV defines the rules to be applied to the reorganization of currently existing courses.

The institutions have already begun work on the appropriateness of their courses to the new organization model for higher education, a process which both students and teaching staff are to participate in and whose objectives are namely:

- The transition from an education system based on transmission of knowledge to a system based on the development of competences;
- Ensuring that the training path is geared towards specific outcomes following the cycles of studies of the university or polytechnic subsystem;
- Guaranteeing that Portuguese students have conditions for training and professional integration that are similar in terms of length and content to other European States by adopting a number of credits for each training area and accordingly a specific course length which is not different from other European higher education institutions of reference in the same areas;
- The determination of student workload for every curricular unit namely including, where applicable, collective education sessions, personal tutorial sessions, professional work placements, projects, field work, study and evaluation — expressed in terms of credits according to the European Credit Transfer and Accumulation System, as well as surveying the opinions of students and the teaching staff;
- Establishing the total number of credits, and consequently the cycle of studies' length, within the amounts envisaged and according to the criteria established by the present decree-law.

The appropriateness of existing courses coming into force is subject to a registration procedure that falls under the auspices of the Directorate-General of Higher Education and which aims exclusively to verify that the requisite procedures are carried out pursuant to the law.

To support the Directorate-General of Higher Education in this matter, a commission for monitoring the reorganization process is to be set up, consisting of representatives from the administration board, the higher education institutions of the different subsystems, the higher education student unions and other people to be appointed by the Minister of Science, Technology and Higher Education.

The appropriateness must reflect the suitable reorganization of higher education courses pursuant to the objectives stated by the Bologna Process, and it cannot, in any circumstance, be faced as merely a formal change.

A core issue in the Bologna Process is the transition from a passive education paradigm based on the acquisition of knowledge to a model based on the development of competences, both generic — instrumental, interpersonal and systemic — and specifically associated with the training area, where experimental and project components play an important role.

Identifying the competences, developing the adequate methodologies for accomplishing them and implementing the new model — are the challenges which higher education institutions must face.

Pursuant to what was agreed at the Conference of European Ministers on the Bologna Agreement that took place in Bergen in 2005, the general adoption of this model of cycles of studies is to be implemented by no later than 2010. With this in mind, the diploma establishes that appropriateness must be fully carried out by the end of the 2008/2009 school year, so that by 2009/2010 all the cycles of studies will have been organized in line with the new model.

The higher education institutions thus have a sufficient period to adapt their courses to this new paradigm.

For those who have already completed all of the necessary work in order to adopt the new training model, deadlines were established to allow them to already initiate the transition to the new model in the 2006-2007 or 2007-2008 school years.

Throughout this whole process the active engagement of students and teaching staff is expressly envisaged through the participation of the management bodies which represent them, namely the scientific and pedagogical councils, and through other forms of consultation.

Other measures will have to be taken following the reorganization of higher education, namely regarding the appropriateness of professional careers in various fields, i.e., reviewing their entry and access standards. These measures will be taken before the first graduates from this new model enter the job market.

Chapter IV of this document establishes the general principles for curricular transition, stating that after the reorganization of each course the higher education institutions shall ensure the integration of students during as brief a period as possible, so that the coexistence of the new organization of studies and the previous one, if

envisaged through the transitional rules, does not exceed a school year, although it may in exceptional circumstances be extended for an additional year. This measure intends to prevent the coexistence of both education models at the same time for an overly extended period of time, which would be both irrational and a waste of resources.

Chapter V establishes the rules for the creation of new cycles of studies in the transitory period that will occur until the accreditation agency comes into being. This process will not be subject to changes except in relation to the means of formalising requests. In line with the reorganization process for the former courses necessary proof that the new requirements established by the diploma have been met is required prior to the requests being accepted. Regarding private and cooperative education, in conjunction with what was requested by the institutes, a process of simplification and debureaucratisation is to be initiated within the framework of the accreditation process, through the intervention of commissions of experts according to training areas.

Chapter VI establishes the rules for recording changes, namely any changes in the study programmes, putting an end to the anachronistic system that required their needing to be approved by ministerial council, both in public polytechnic education and in private education. At present, each higher education institution (universities or polytechnics, public or private institutions) shall approve and implement all the changes to the study programmes after giving notice of them to the Directorate-General of Higher Education who will simply record those changes, which shall only be refused in case of manifest illegality.

The original draft of the diploma was subject to public consultation, and contributions were received from the Council of Rectors of Portuguese Universities, the Coordinating Council for Higher Polytechnic Institutes, the Portuguese Association of Private Higher Education, student union associations, higher education institutions, unions and professional associations, as well as from individuals.

Therefore:

Pursuant to Law No. 46/86, dated 14 October, 1986 (Framework Law on Education), amended by Laws No. 115/97, dated 19 September, 1997, and 49/2005, of 30 August, 2005, and pursuant to article 198(1-c) of the Constitution, the Government decrees the following:

Academic degrees and higher education diplomas

TITLE I

Object, scope and concepts

Article 1

Object

The present decree-law approves the legal system of higher education degrees and diplomas, pursuant to articles 13 to 15 of Law No. 46/86, dated 14 October, 1986, (Framework Law on Education), amended by Laws No. 115/97, dated 19 September, 1997, and 49/2005 dated 30 August, 2005, as well as the provisions under article 16(4) of Law No. 37/2003, dated 22 August, 2003, (which establishes the basis for the financing of higher education), amended by Law 49/2005, dated 30 August, 2005.

Article 2

Scope

- 1 — The present decree-law is applicable to every higher education institution.
- 2 — The application of the principles stated in the present decree-law to military and police higher education institutions is made through a specific diploma.

Article 3

Concepts

For the purposes of the present decree-law, the terms below are understood to have the following meanings:

- a) “Curricular unit” is an education unit with its own training objectives, which is subject to administrative enrolment and assessment converted into a final classification;
- b) “Study programmes of a course” are the organized sets of curricular units in which a student must be approved in order to:

- i) Obtain a certain academic degree;
- ii) Conclude a course that does not confer a degree;
- ii) Have part of the conditions for a certain academic degree to be awarded;
- c) “Normal length of a cycle of studies” is the number of school years, semesters or terms in which the cycle of studies must be carried out by the student, when studying full time and attending regular classes;
- d) “Credit” is the unit measure of the work of the student under all its forms, namely collective education sessions, personal tutorial sessions, professional training, projects, field work, study and evaluation pursuant to Decree-Law No. 42/2005, dated 22 February, 2005;
- e) “Access conditions” are the general conditions required to apply for admission to a cycle of studies;
- f) “Entry conditions” are the specific conditions that must be met in order to apply for admission to a specific cycle of studies at a certain higher education institute.

TITLE II

Academic degrees and higher education diplomas

CHAPTER I

General Characteristics

Article 4

Academic degrees

1 — Polytechnic higher education institutions confer “Licenciado” and Masters degrees.

2 — Universities confer “Licenciado”, Masters and Doctorate degrees.

CHAPTER II
“Licenciatura” course

Article 5
“Licenciado” Degree

The “Licenciado” degree is awarded to students who have that they:

- a) Possess knowledge and a capacity of understanding in a training area to such a level that:
 - i) Based on the knowledge acquired in secondary education they may develop and expand upon it;
 - ii) They can work with advanced learning materials and relate to them;
 - iii) They have state-of-the-art knowledge in some aspects of that area;
- b) Know how to apply acquired knowledge and understanding capacity in order to clearly demonstrate a professional approach to the work carried out in their vocational area;
- c) Have the capacity to solve problems within the field of their training area, based upon their own arguments;
- d) Have the capacity to collate, select, and interpret relevant information, particularly in their training area, which will enable them to consolidate the solutions they present and the opinions they put forward, including the analysis of relevant social, scientific and ethical aspects;
- e) Possess competences that enable them to communicate information, ideas, problems and solutions, both to experts and non-experts;
- f) Possess learning competences that will enable them to benefit from lifelong learning with a high degree of autonomy.

Article 6
Attribution of the “licenciado” degree

1 — The training areas in which each higher education institution awards the degree of “Licenciado” are established by their legal and officially authorised body.

2 — The degree of undergraduate in a certain training area may only be conferred by the higher education institutes that:

- a) Have their own teaching staff qualified in that same area and in adequate numbers, the majority of whom consist of those holding doctorates or experts of recognized experience and professional competence;
- b) Have the human and material resources that are indispensable to guarantee the level and quality of the acquired training.

3 — Verification that the requirements referred under the previous number has been satisfied under the auspices of the accreditation process.

Article 7

Access and entry to the cycle of studies leading to the “Licenciado” degree

The access and entry to the cycle of studies leading to the “Licenciado” degree is regulated by specific diplomas.

Article 8

Cycles of studies leading to the “Licenciado” degree of in polytechnic education

1 — In polytechnic education, the cycle of studies leading to the “Licenciado” degree has 180 credits and has a normal length of six curricular semesters of students’ work.

2 — In very specific cases, where access to professional practice depends on a longer training path, the “licenciatura” course can include up to 240 credits, with lasting normally for up to seven or eight curricular semesters, following express national or European legal regulations or a consolidated practice in higher education institutes within the European area.

3 — In polytechnic education, the cycle of studies leading to the “Licenciado” degree must place particular value upon training initiatives aimed at the practice of a professional activity, ensuring that it include a component for applying acquired knowledge to the actual activities within the respective professional profile.

Article 9

Cycles of studies leading to the “Licenciado” degree in university education

1 — In university education, the cycle of studies leading to the “Licenciado” degree has between 180 to 240 credits and normally lasts for between six and eight curricular semesters of student work.

2 — When establishing the number of credits for this cycle of studies for different training areas, the higher education university institutes must adopt values that are similar to those used by institutes of university education in Europe within the same areas, in order to guarantee that Portuguese students have the conditions of mobility and training and professional integration that are similar, in terms of length and content, to the other European States.

Article 10

Structure of the cycle of studies leading to the degree of “licenciado”

The cycle of studies leading to the degree of “licenciado” consists of an organized set of curricular units known as a “licenciatura course”.

Article 11

Awarding the degree of “licenciado”

The degree of “licenciado” is awarded to those who, after completing all of the curricular units that integrate the study programme of the licenciatura course, have obtained the established number of credits.

Article 12

Final classification of the degree of “licenciado”

1 — The degree of “licenciado” will carry a final classification between 10 and 20 on a numerical scale of 0 to 20, as well as its equivalent in the European comparability scale for classifications.

2 — The final classification is the arithmetic weighted average of classifications obtained in the curricular units that make up part of the study programmes of the “licenciatura” course.

3 — The weighting coefficients are established by regulating standards to which article 14 refers.

4 — The final classification is attributed by the legal and officially authorised body of the higher education institute.

Article 13

Title of “licenciado” degree

1 - The title of “licenciado” degree is granted by means of a course letter written and issued by the legal and officially authorised body of the higher education institute.

2 — The course letter and its respective certificates is issued in conjunction with a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February, 2005.

Article 14

Regulating standards for the “licenciado” degree

The legal and officially authorised body of each higher education institute will approve the standards regulating the following matters:

- a) Specific entry conditions;
- b) Working conditions;
- c) Curricular structure, study programmes and credits pursuant to the technical guidelines referred to in article 12 of Decree-Law No. 42/2005, dated 22 February, 2005;
- d) Knowledge assessment;
- e) Precedence system;
- f) Prescription system regarding the right to enrol, taking into consideration what has been envisaged for this subject under Law No. 37/2003, dated 22 August, 2003, in the case of public institutes;
- g) Weighting coefficients and procedures for the calculation of the final classification;

- h) Deadlines for issuing the course letter and its certificates and the supplement to the diploma;
- i) Monitoring procedures by the pedagogical and scientific bodies.

CHAPTER III

Masters

Article 15

Masters degree

1 — A Masters degree is awarded to those who demonstrate that they:

- a) Possess such knowledge and capacity of understanding that:
 - i) Based on the knowledge obtained in the first cycle, they manage to develop and expand that knowledge;
 - ii) Manage to develop and apply that knowledge to original situations often in the context of research;
- b) Know how to apply their knowledge and understanding and problem solving capacities to new and unfamiliar situations in wide multi-disciplinary situations, although related to their area of studies;
- c) Possess the capacity to integrate knowledge, deal with complex matters, develop solutions or put forward opinions on situations of limited or incomplete information, including reflecting upon the implications and ethical and social responsibilities that result from both those solutions and opinions or indeed that condition them;
- d) Are capable of communicating their conclusions and the knowledge and reasoning that underly them, both to experts and non-experts clearly and unambiguously;
- e) Possess learning competences that will enable them to benefit from self-oriented or autonomous lifelong learning.

2 — A Masters degree is granted in a specialist field and whenever necessary specialt fields may be divided into specialized areas.

Article 16

Attributing Masters Degrees

1 — The training areas in which each higher education institution attributes a Masters degree are established by their legal and officially authorised body.

2 — A Masters degree in a certain training area may only be attributed by the higher education institutes from the scientific areas of that degree who:

- a) Have their own teaching staff qualified in that area and in sufficient numbers, the majority of which include holders of doctorates or experts of recognized experience and professional competence;
- b) Have the human and material resources that are indispensable for guaranteeing the level and quality of the acquired training.
- c) Develop highly regarded training, research or professional activities.

3 — Verification that the requirements referred to under the previous number is have been satisfied under the auspices of the accreditation process.

Article 17

Access and entry into the cycle of studies leading to a Master degree

1 — Those who meet any of the following conditions may apply to the cycle of studies leading to a Masters degree:

- a) Holders of a “licenciado” degree or legal equivalent;
- b) Holders of a foreign academic degree awarded after following a 1st cycle of studies organized according to the principles of the Bologna Process by a State that has adhered to that Process;
- c) Holders of a foreign higher education academic degree that is recognized as meeting the objectives of the “licenciado” degree by the officially authorised scientific body of the higher education institute to which they wish to be admitted;
- d) Holders of academic, scientific or professional curriculum vitae that is recognized as demonstrating the capacity to carry out this cycle of studies by the officially authorised scientific body of the higher education institute to which they wish to be admitted.

2 — The regulating standards which article 26 refers to establish the specific rules for entry into this cycle of studies.

3 — The recognition referred to in paragraphs b) and d) of No. 1 only implies the access to the cycle of studies leading to a Masters degree and neither grants the holder the equivalence of the “licenciado” degree nor any recognition of that degree.

Article 18

Cycle of studies leading to a Masters degree

1 — The cycle of studies leading to a Masters degree includes between 90 to 120 credits and normally lasts from between three to four curricular semesters of student work.

2 — Exceptionally and without prejudice to satisfying all of the requirements related to the aims of the degree and the conditions to obtain it, the cycle of studies leading to a Masters degree in a specialist subject may include 60 credits and normally last for two curricular semesters of work following a stable and internationally consolidated practice in that specialist field.

3 — In university education, the cycle of studies leading to a Masters degree must ensure that the student acquires an academic specialization with recourse to research, innovation or expansion of professional competences.

4 — In polytechnic education, the cycle of studies leading to a Masters degree must ensure predominantly that the student acquires a professional specialization.

5 — Obtaining a Masters degree referred to under the previous numbers, or the credits that correspond to the specialization course referred to in article 20(1-a) of the present decree-law, may also enable students to have access to professions that are subject to special recognition requirements under the legal and institutional terms envisaged for that purpose.

Article 19

Integrated cycle of studies leading to a Masters degree

1 — In university education, a Masters degree may also be awarded after an integrated cycle of studies, containing 300 to 360 credits and which normally lasts from between 10 to 12 curricular semesters of work, in such cases access to the practice of a certain professional activity is dependant upon that length of time:

- a) Established by legal EU standards; or
- b) Resulting from a stable practice consolidated within the European Union.

2 — Access and entry into the cycle of studies referred to under the previous number is governed by the norms that are applicable to access and entry into the cycle of studies leading to a “licenciado” degree.

3 — In the cycle of studies referred to under No. 1, the “licenciado” degree will be granted to those who have successfully completed 180 credits, which corresponds to the first six curricular semesters of work.

4 — The “licenciado” degree referred to under the previous point must adopt wording that cannot be confused with that of the Masters degree.

5 — The regulating standards which article 26 refers to must envisage the possibility of “licenciado” degree holders in the appropriate field having access to the cycle of studies referred to in point No. 1, as well as the transference of credits obtained in the licenciado degree into this cycle of studies.

Article 20

Structure of the cycle of studies leading to a Masters degree

1 — The cycle of studies leading to a Masters degree to consists of:

- a) A specialized course, consisting of an organized set of curricular units, known as a Masters course, which corresponds to a minimum of 50 per cent of the total number of the cycle of study credits;
- b) A scientific dissertation or an original work project, specifically carried out to this end, or a professional work placement which is to be concluded with a final report in accordance with the specific objectives aimed at

under the terms established by the respective regulating standards and which corresponds to a minimum of 35 per cent of the total number of the cycle of study credits.

2 — The minimum amounts referred to under point 1 above:

- a) Are not applicable to the cycle of studies which the previous article refers to;
- b) May be altered by decision of the accreditation agency referred to in article 53.

Article 21

Supervisors

1 — Developing the dissertation or the work project and carrying out the professional work placement are to be supervised by a holder of a doctorate or by an expert recognized as such by the officially authorised scientific body of the national or foreign higher education institute.

2 — There may also be a national or foreign co-supervisor.

Article 22

Jury of the Masters

1 — The dissertation, the project work or the professional work placement report are subject to evaluation and public discussion by jury appointed by the legal and officially authorised body of the higher education institute.

2 — The jury consists of three to five members, including the supervisor or the supervisors.

3 — The members of the jury must be experts in the field of the dissertation, the project work or the professional work placement report, and are appointed from among national or foreign holders of a Doctorate degree or experts of merit recognized as such by the scientific body of the higher education institution.

4 — The deliberations of the jury are decided by the majority its members, by means of a grounded roll call, and abstentions are not permitted.

5 — The proceedings of the meetings will minute the votes of each of the members of the jury and the reasons for their opinion, which may be common to all or only to some members of the jury.

Article 23

Awarding the Masters degree

A Masters degree is awarded to those who, after successfully completing all of the curricular units integrated in the study programme of the Masters course, have obtained the requisite number of credits, as well as having successfully defended their dissertation, their project work or their professional work placement report in public.

Article 24

Final classification of the Masters degree

1 — A Masters degree will carry a final classification of between 10 and 20 on a numerical scale of 0 to 20, as well as its equivalent in the European comparability scale for classifications.

2 — The regulating standards to which article 26 refers establish the formula for calculating the final classification.

Article 25

Title of Master

1 — The title of Master is granted by means of a course letter written and issued by the legal and officially authorised body of the higher education institution.

2 — The course letter and its respective certificates is issued in conjunction with a supplement to the diploma pursuant to Decree-Law No. 42/2005, dated 22 February, 2005.

Article 26

Regulating standards for the Masters degree

The legal and officially authorised body of each higher education institute will approve the standards regulating the following matters:

- a) Admission rules for the cycle of studies, especially the academic and curricular conditions, application procedures, selection and ordering criteria, and the process of establishing vacancies and deadlines for applications and making them public;
- b) Working conditions;
- c) Curricular structure, study programmes and credits pursuant to the technical guidelines referred to in article 12 of Decree-Law No. 42/2005, dated 22 February, 2005;
- d) Carrying out the component referred to under article 20(1-b);
- e) Precedence and knowledge assessment systems for the Masters course;
- f) Prescription system regarding the right to enrol, taking into consideration what has been envisaged for this subject under Law No. 37/2003, dated 22 August, 2003, in the case of public institutes;
- g) Process of appointing the supervisor or supervisors, conditions for admitting co-supervisors and rules that must be adhered to;
- h) Rules for the presentation and delivering the dissertation, the project work or the professional work placement report and its analysis;
- i) Deadlines for the public defence of the dissertation, the project work or the professional work placement report;
- j) Rules regarding jury composition, appointment and practices;
- l) Rules for the defence of the dissertation, the project work or the professional work placement report;
- m) Procedures for awarding the final classification;
- n) Deadlines for issuing the course letter, its certificates and supplement to the diploma;
- o) Monitoring procedures by the pedagogical and scientific bodies.

Article 27

Fees due for the cycle of studies leading to a Masters degree at public institutes

1 — The amount of fees due for enrolment in the integrated cycle of studies envisaged under article 19 is established under the terms provided for the cycle of studies leading to a “licenciado” degree under article 16(2) of Law No. 37/2003, dated 22 August, 2003.

2 — The amount of fees due for enrolment in the cycle of studies leading to a Masters degree at public institutes, in conjugation with a cycle of studies leading to a “licenciado” degree which is indispensable for access to the practicing a professional activity, is equally established under the terms envisaged for the cycle of studies leading to the “licenciado” degree in article 16(2) of Law No. 37/2003 dated 22 August, 2003.

3 — The amount of fees due for enrolment in the cycle of studies leading to a Masters degree at a public institute in remaining cases is established by the bodies referred to in article 17 dated Law No. 37/2003 of 22 August, 2003.

CHAPTER IV

Doctorate

Article 28

Doctorate degree

- 1 — The Doctorate degree is awarded to those who have demonstrated:
- a) The capacity of systematic understanding in a scientific field;
 - b) Competences, skills, and investigation methods associated with a scientific field;
 - c) The capacity to conceive, project, adapt and perform significant research respecting the demands imposed by patterns of academic quality and integrity;
 - d) Having carried out a significant body of original research which has contributed to challenging the boundaries of knowledge, part of which merited national or international dissemination in renowned publications;

- e) Being capable of critically analyzing, evaluating and synthesizing new and complex ideas;
- f) Being capable of communicating with their peers, the rest of the academic community and society in general in their expert field;
- g) The capacity to promote technological, social or cultural progress in academic or professional terms in a knowledge-based society.

2 — The Doctorate degree is awarded in a field of knowledge or in one of its specialist subjects.

Article 29

Awarding the Doctorate degree

1 — The fields of knowledge and specialist subjects in which each higher education institute awards the degree of Doctorate are established by their legal and officially authorised body.

2 — The degree of Doctorate may only be granted in a given field by the higher education institutes that:

- a) Have their own qualified teaching staff in that area and in sufficient number, the majority of who consist of holders of doctorates, and also possess the human and material resources that are indispensable for guaranteeing the level and quality of the requisite training.
- b) Demonstrate having the human and organizational resources in that field that are necessary for research;
- c) Demonstrate having through their own means, or due to the participation or collaboration of their teaching staff and researchers from certain scientific institutes, accumulated research experience that has been carried out and evaluated through relevant scientific and academic production in that field.

3 — Verification that the requirements referred to in the previous number have been satisfied under the auspices of the accreditation process.

Article 30

Access and entry into the cycle of studies leading to the Doctorate degree

1 — Those who meet any of the following conditions may apply to a cycle of studies that leading to a Doctorate degree:

- a) Holders of a Masters degree or legal equivalent;
- b) Holders of a “licenciado” degree who possess a particularly relevant academic or scientific curriculum vitae which demonstrates an ability to carry out a cycle of studies at a higher education institute and which is recognized by the officially authorised scientific body of that higher education institute to which they wish to be admitted ;
- c) Holders of an academic, scientific or professional curriculum vitae which demonstrates an ability to carry out a cycle of studies at a higher education institute and which is recognized by the officially authorised scientific body of that higher education institute to which they wish to be admitted ;

2 — The regulating standards referred to in article 38 establish the specific rules for the admission into this cycle of studies.

3 — The recognition referred to in paragraphs b) and c) of No. 1 only implies the access to the cycle of studies leading to the degree of Doctorate and neither grants its holder the equivalence of the “licenciado” or Masters degree nor any recognition of that degree.

Article 31

Cycle of studies leading to the Doctorate degree

The cycle of studies that leads to the Doctorate degree consists of:

- a) An original thesis specially written for that purpose which is appropriate to the nature of the field of knowledge or specialist subject;
- b) The possible undertaking of curricular units aimed at research training known as a doctorate course whenever the respective regulating standards envisage that.

Article 32

Registration of ongoing doctoral theses

Ongoing doctoral theses shall be registered pursuant to Decree-Law No. 52/2005, dated 2 March, 2005.

Article 33

Special regulations for the presentation of a thesis

1 — Those who meet the required conditions for access to the cycle of studies leading to the Doctorate degree may request to publicly defend a thesis without enrolling in a cycle of studies referred to in article 31, and without a supervisor which article 38(c) refers to.

2 — The legal and officially authorised scientific body of the university will make a decision on the request, after analyzing the applicant's curriculum vitae and the relevance of the thesis to the purposes of the Doctorate degree pursuant to article 28.

Article 34

Jury for the Doctorate

1 — The thesis will be analyzed and publicly discussed by a jury appointed by the legal and officially authorised body of the higher education institute.

2 — The doctorate Jury is made up of:

- a) The Rector, who presides over the jury, or anyone to whom the Rector delegates the authority to that end;
- b) A minimum of three people holding doctorates;
- c) The supervisor or supervisors when applicable.

3 — Two members of the jury referred to under the previous number are appointed from among the doctorate professors and researchers of other national or foreign higher education or research institutes.

4 — The jury may also include an expert whose competence in the scientific field of the thesis is recognized.

5 — The jury shall include at least three professors or researchers from the scientific field of the thesis.

6 — The decisions of the jury are made by the majority of its members, by means of grounded roll call, and abstentions are not permitted.

7 — The proceedings of the meetings shall minute the votes of each jury member j and the reasons for their opinion, which may be common to all or to only some members of the jury.

Article 35

Awarding the Doctorate degree

The degree of Doctorate is awarded to those who have successfully defended their thesis in public.

Article 36

Final classification of the Doctorate degree

1 — The academic doctorate degree is given a final classification pursuant to the regulating standards approved by the university that awards it.

2 — The classification is given by the jury referred to in article 34, taking into consideration the classifications obtained in the curricular units of the doctorate course, whenever there is one, and the merit of the thesis analysed during its public defence.

Article 37

Title of Doctorate

1 — The title of Doctorate is awarded by means of a course letter written and issued by the legal and officially authorised body at the higher education institution.

2 — The course letter and its respective certificates is issued in conjunction with a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February, 2005.

Article 38

Regulating standards for the Doctorate

The legal and officially authorised body of each higher education institution shall approve the standards that regulate the following matters:

- a) Admission rules for the cycle of studies, especially the academic and curricular conditions, application procedures and selection criteria;
- b) The existence of a doctorate course and, when applicable, its respective curricular structure, study programme and credits, taking into considerations the provisions of Decree-Law No. 42/2005, of 22 February, 2005, and its regulating standards;
- c) Procedures for appointing the supervisor or supervisors, conditions for the admission of a co-supervisors and rules that must be followed;
- d) Registration of the thesis subject;
- e) Conditions for developing the thesis;
- f) Rules for the presentation, delivery and analysis of the thesis;
- g) Deadlines for carrying out the public defence of the dissertation, the project work or the professional placement report;
- h) Rules regarding jury composition, appointment and practices;
- i) Rules regarding the thesis defence;
- j) Procedure for awarding the final classification;
- l) Deadlines for issuing the doctorate letter and its certificates and the supplement to the diploma;
- m) Monitoring procedures by the pedagogical and scientific bodies.

CHAPTER V

Higher education diplomas

Article 39

Diplomas that may be awarded

1 — Higher education institutions may award diplomas namely for:

- a) Realizing at least 120 credits as part of a “licenciatura” course;

- b) The completion of a Masters course of at least 60 credits;
- c) The completion of a Doctorate course;
- d) The completion of other courses that do not award an academic degree.

2 — The names of the diplomas to which the previous numbered sections refer are not be confused with the names of corresponding academic degrees whenever they

Article 40

Title of the diplomas

1 — The diplomas referred to in the previous article are awarded by means of a document issued by the legal and officially authorised body of the higher education institution.

2 — The course letter and its respective certificates is issued in conjunction with a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February, 2005.

3 — The regulations for the courses referred to in No. 1 of the previous article shall establish the deadlines for the issuing of the diplomas and the respective supplements to the diploma.

CHAPTER VI

Granting of Joint Degrees and Diplomas

Article 41

Object of the association

1 — The higher education institutions may jointly with other national or foreign higher education institutions for carrying out cycles of studies leading to the degrees and diplomas referred to in the previous chapters.

2 — Pursuant to article 13(7) of the Framework Law on Education, the adoption of a franchising system is not allowed.

Article 42

Granting the degree or diploma

When the joint education institutions are equally competent for granting a degree or diploma in a specific area pursuant to the present decree-law, the degree or diploma may be attributed:

- a) By only one of the institutions;
- b) By each of the institutions separately;
- c) By each of the institutions jointly.

Article 43

Title of the degree or diploma

1 — In the case of paragraph b) in the previous article, a degree or diploma is granted via a document issued by each of the institutions.

2 — In the case of paragraph c) of the previous article, the degree or diploma is granted via a sole document signed by the legal and officially authorised bodies of all the institutions involved.

3 — The course letter and its respective certificates is issued in conjunction with a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February, 2005.

CHAPTER VII

Mobility

Article 44

Guarantee of mobility

The mobility of students between national higher education institutions of the same or of different subsystems, as well as between national and foreign higher education institutions is ensured through the European credit transfer and accumulation system, based on the principle of mutual recognition of the value of training and acquired competences.

Article 45

Credits

1 — With a view to pursuing studies to obtain an academic degree or a diploma, the higher education institutions:

- a) Credit in their own cycles of studies the training carried out under the scope of other cycles of higher education studies in national or foreign higher education institutions, whether within the framework of the organization which derived from the Bologna Process or were obtained before that process;
- b) Credit in their cycles of studies the training carried out under the auspices of technological specialization courses pursuant to their respective diploma;
- c) Recognize, through the granting of credits, professional experience and post-secondary training.

2 — Procedures for assigning credits has to take into consideration the level of the credits and the scientific area in which they were obtained.

3 — The procedures that are to be adopted when assigning credits are established by the legal and officially authorised bodies of the higher education institutions.

CHAPTER VIII

Other situations

Article 46

Enrolment in curricular units of subsequent cycles of studies

1 — Students enrolled in a cycle of studies may be authorized to enrol in curricular units of subsequent cycles of studies.

2 — The curricular units to which the previous number refers:

- a) Are subject to certification;
- b) Shall be mentioned in the supplement to the diploma;
- c) Are credited when the student enrolls in the cycle of studies.

Article 47

Members of staff recruited through competition based on public tests under the auspices of polytechnic education

Under the effects of the present decree-law “profesores adjuntos” (see glossary) and coordinating-professors from the staff of polytechnic higher education institutions, recruited via a competition based on public tests pursuant to the Status of the Career of Polytechnic Higher Education Members of Staff and approved of by Decree-Law No. 185/81, dated 1 July, 1981, and amended by Decree-Law No. 69/88, dated 3 March, 1988, are considered «experts with recognized experience and professional practice».

Article 48

Rules applicable to jury practices

1 — The practices of the jury referred to in articles 22 and 34 are regulated as provided for in the Code of Administrative Procedure in everything not envisaged in the present decree-law.

2 — The meetings of the jury referred to in articles 22 and 34 and which take place before the public acts referred to in articles 23 and 35 may be conducted via teleconference.

Article 49

Letters and diplomas

1 — The elements that are obligatorily present in the titles referred to in articles 13, 25, 37, 40, and 43 are approved by administrative ruling issued by the Minister of Science, Technology and Higher Education.

2 — The documents referred to in Nuber 1 above the previous number may be multilingual.

Article 50

Legal deposit

1 — Masters dissertations and doctoral theses are subject to:

- a) Copies being deposited at the National Library in both paper and digital form;
- b) Copies being deposited at the Observatory of Science and Higher Education in digital form.

2 — The depositing of copies referred to in Number 1 above shall be carried out by the higher education institution that awarded the degree.

Article 51

Foreign languages

The higher education institutions may envisage the use of foreign languages:

- a) To teach in any of the cycles of studies to which the present decree-law refers;
- b) To write the masters dissertations, the project work and professional placement reports in the case of masters, and theses in the case of doctorates, and in their respective public defence.

TITLE III

The accreditation and coming into force of the cycles of studies

Article 52

Accreditation

1 — The accreditation of a cycle of studies depends upon verification that the necessary requirements for it to be created and to be in operation have been fulfilled.

2 — The accreditation procedure encompasses every higher education institution and every cycle of studies.

Article 53

Accreditation agency

1 — Accreditation is carried out within the framework of the European system for quality assurance in higher education, and shall be conducted by an accreditation

agency to be created and regulated by a specific diploma, and it shall be carried out as provided for in that diploma.

2 — The accreditation agency will have scientific and technical autonomy.

3 — The accreditation agency will work together with the higher education institutions, the professional associations and other relevant entities.

4 — The accreditation shall be carried out respecting the scientific and pedagogical autonomy of the higher education institutions as provided for in the diploma referred to in No. 1.

Article 54

Coming into force of a cycle of studies

1 — The coming into force at a higher education institution of a cycle of studies leading to “licenciado”, Masters or Doctorate degrees is to be previously accredited without prejudice to the provisions laid down under the following article.

2 — The accreditation of a cycle of studies implies the recognition of the degree or degrees awarded.

Article 55

Accreditation modalities

1 — The previous accreditation of a cycle of studies at a higher education institution is to be normally granted through the accreditation of the higher education institution to that end.

2 — The accreditation of a higher education institution for the ends referred to in Number 1 above is awarded for a given period of time for one or more training areas and for the cycles of studies leading to one or more academic degrees.

Article 56

Financing

1 — The accreditation of a cycle of studies taught at a higher education institution does not necessarily imply the public financing of such.

2 — The public financing of a cycle of studies taught at a higher education institution is decided upon within the framework legally in force taking into consideration the order of the higher education network.

Article 57

Accreditation requirements

1 — To be accredited, a cycle of studies must meet the following general requirements:

- a) Have its own educational, scientific and cultural project, appropriate to the purposes established for that cycle of studies;
- b) Have its own teaching staff consisting of people qualified in that area and sufficient in terms of number;
- c) Possess the human and material resources that are essential for guaranteeing the level and quality of training, namely classrooms and halls, equipment, libraries and adequate laboratories.

2 — The following items are special requirements for the accreditation of a cycle of studies leading to a Masters degree in a given specialist subject:

- a) A teaching staff that operates by including a majority of holders of a doctorate degree or experts with recognized professional experience and competence in the scientific areas which make up part of that specialist subject;
- b) The education institution shall be renowned for its training activities, or for its research or professional development in the scientific areas that incorporate that specialist subject.

3 — The following are special requirements for the accreditation of a cycle of studies leading to a Doctorate degree in a specific field of knowledge or specialist subject:

- a) The existence of human and organizational resources that are necessary to carry out research in the scientific areas that make part of that field of knowledge or specialist subject;
- b) A teaching staff that operates by including a majority of holders of a doctorate degree or experts with recognized professional experience and

competence in the scientific areas which make up part of that specialist subject;

- c) The university shall have accumulated research experience that has been produced and been evaluated in relevant scientific and academic production in that field, either through its own means or due to the participation or collaboration of its teaching staff and researchers with certain scientific institutions.

Article 58

Non-transmissibility

The accreditation shall not be transmissible.

Article 59

Validity

The accreditation shall be awarded for a given limited period of time, at the end of which the cycle of studies to be reanalysed.

Article 60

Cancellation of the accreditation

1 — Non-compliance with the legal requirements or the statutory dispositions and non-observance of the scientific and pedagogical criteria that justified the accreditation determine its cancellation, after previous audience with the interested institution.

2 — In the event of the situation envisaged above the deadlines for the cancellation of the cycle shall be established and the measures to safeguard the expectations of the students that have enrolled in it shall be mentioned.

TITLE IV
Suitability of the cycles of studies

CHAPTER I
General principles

Article 61
Suitability

1 — The higher education institutions must demonstrate the suitability of the courses that they teach and the degrees that they are authorized to award by the juridical system established by the present decree-law.

2 — The suitability process is aimed at reorganizing each ongoing cycle of studies and is achieved by:

- a) Changing from an education based on the transition of knowledge to an education based on the development of competences;
- b) Guiding the training offered towards specific purposes that must be guaranteed by the cycles of studies of the university or polytechnic subsystem in which it is included;
- c) Determining the work that the student must develop in each curricular unit — including, namely, whenever applicable, collective education sessions, personal tutorial sessions, professional work placements, projects, field work, study and evaluation — and its expression in terms of credits according to the European Credit Transfer and Accumulation System, as well as surveying the opinions of students and teaching staff;
- d) Establishing the total number of credits, and consequent duration of the cycle of studies, within the amounts and according to the criteria established by the present decree-law.

3 — The suitability must be carried out by the end of the 2008-2009 school year, inclusively, and it must count obligatorily in the participation of the teaching staff and students, namely through the scientific and pedagogical bodies of the education institution or the organic authority whichever is the case.

4 — During the 2009-2010 school year every cycle of studies must be organized according to the legal regulations established by the present decree-law.

CHAPTER II

Registration

Article 62

Registration of the suitability of the cycles of studies

1 — The coming into force of suitability referred to in the above mentioned section is subject to registration.

2 — The registration is carried out by the Director-General of Higher Education.

Article 63

Instruction of the suitability registration processes

1 — The request for the suitability of a cycle of studies is to be directed to the Director-General of Higher Education who controls adherence to the applicable legal standards.

2 — The registration process is implemented when a report underwritten by the scientific and pedagogical bodies of the higher education institution or of the organic authority, depending on the case, contains namely:

- a) An indication of the ongoing cycles of studies that are subject to the suitability;
- b) The objectives of the cycle of studies;
- c) The basis for the number of credits that, calculated upon the students' estimated workload, are attributed to each curricular unit, including the surveys carried out with that end in mind where the opinions of teachers and students are stated;
- d) The basis for the total number of credits and the consequent length of the cycle of studies pursuant to articles 8(1) and 8(2), article 9, article 18(1) and 18(2) and article 19(1) depending on the case.

Demonstration of the suitability of the organization of the cycle of studies and teaching methodologies:

- a) In the acquisition of competences referred to in articles 5, 15 and 28 depending on the case.
- b) The objectives defined by article 8(3), and articles 18(3) and 18(4) depending on the case.
- c) A comparative analysis between the organization of the cycle of studies and the organization of other renowned European courses with similar objectives;
- d) How the results of the external evaluation were incorporated into the organization of the cycle of studies.

3 — When the length of the cycle of studies is based upon specific legal standards, consolidated practices or exceptional professional requirements pursuant to article 8(2) and articles 18(2) and 19(1) the higher education institution shall collate the documents which that decision was based upon.

4 — The registration process is equally implemented with the curricular structure, the study programmes and the credits pursuant to the technical norms which article 12 of Decree-Law No. 42/2005, dated 22 February, 2005, refers to.

5 — The Minister of Science, Technology and Higher Education, through a proposal from the Director-General of Higher Education, and after hearing the Council of Rectors of Portuguese Universities, the Coordinating Council for Higher Polytechnic Institutes and the Portuguese Association of Private Higher Education, shall approve by ministerial regulation the technical rules, the deadlines and a standardized means of requesting for the registration of suitability, which is to be published in the 2nd series of the *Diário da República* (Official Gazette).

6 — Requests that are not formally implemented according to the provisions laid down in the above mentioned section shall immediately be considered inadmissible.

Article 64

Notification and publication of the regulations regarding the registration of suitability

1 — A decision on the request for registrations of suitability shall be given within 45 working days after it has been received.

2 — A registration request is refused in cases of the applicable legal and regulating standards having been violated.

3 — When the registration request is considered inadmissible or when it is not subject to decision within the deadline referred to in No. 1, the interested parties may resort to the respective means of free or litigious complaint pursuant to general legal terms.

4 — The efficient conduct of the registration process is subject to the rules of the Code of Administrative Procedure.

5 — The Director-General of Higher Education shall send a ministerial regulation to be published in the 2nd series of the *Diário da República* (Official Gazette) informing the interested parties.

CHAPTER III

Monitoring

Article 65

Creation and competences

By regulation of the Minister of Science, Technology and Higher Education, a Monitoring committee shall be created and regulated to monitor the suitability procedure, and shall have the following competences:

- a) Monitoring the execution of the suitability procedure of the courses;
- b) Drawing up an annual report on the process;
- c) Issuing an opinion on generic or specific matters related to the suitability procedure.

CHAPTER IV

Transition

Article 66

Curricular transition

1 — The rules that govern the transition between the former organization of studies and the present derives from the suitability of the course, are established by the legal and officially authorised bodies after hearing the teaching staff and students through the scientific and pedagogical bodies of the higher education institution or the organic unit whichever is the case.

2 — The rules for the transition must ensure:

- a) Respect for the legitimate expectations of the students;
- b) The necessary credit structures in the new organization of studies regarding training obtained from the previous organization;
- c) That when applied it does not result in any increase in the number of hours envisaged at the previous organization.

3 — The coexistence between the present and previous organization of studies envisaged in the transition rules, must not exceed a school year, although it may exceptionally and justifiably be extened for an additional one.

TITLE V
New cycles of studies

CHAPTER I
Legal circumstances

Article 67
Applicable regulations

Until the creation and coming into force of the accreditation agency, and without prejudice to the provisions of the following article, the coming into force of the new “licenciado”, Masters and Doctorate degrees is subject to:

- a) At public higher education institutions the regulations in place at the time the present decree-law was published;
- b) At private or cooperative higher education institutions, the regulations established by the Private and Cooperative Higher Education Statutes, approved of by Decree-Law No. 16/94, dated 22 January, 1994, amended by ratification by Law No. 37/94, dated 11 November, 1994, and by Decree-Law No. 94/99, dated 23 March, 1999, together with the provisions of articles 69 to 74 of the present decree-law.

Article 68
Instruction of the procedures

1 — The procedures referring to the coming into force of the new “licenciado”, Masters and Doctorate degrees shall be sent to the Directorate-General of Higher Education, instructed with:

- a) A report, signed by the scientific legal and officially authorised body of the higher education institution:
 - i) Describing and providing the basis for the objectives of the cycle of studies, its organization and the suitability of the human and material resources to both the scientific and pedagogical demands and to the quality of teaching;

- ii) Explaining the place of the cycle of studies with the national training network and respective area and clarifying the reasons for creating it, in the case of public higher education institutions;
- b) The curricular structure, the study programmes and the credits, pursuant to the technical norms which article 12 of Decree-Law No. 42/2005, of 22 February, 2005, refer to;
- c) The basis for the number of credits that, calculated upon the students' estimated workload, are attributed to each curricular unit, including surveys carried out with that end in mind where the opinions of teachers and students are stated;
- d) The basis for the total number of credits and the consequent length of the cycle of studies pursuant to articles 8(1) and 8(2), article 9, article 18(1) and 18(2) and article 19(1) depending on the case;
- e) Demonstrating the adequacy of the organization of the cycle of studies and teaching methodologies:
 - i) To the acquisition of competences referred to in articles 5, 15 and 28 depending on the case;
 - ii) The objectives defined by article 8(3), and articles 18(3) and 18(4) depending on the case;
- f) A comparative analysis between the organization of the cycle of studies and the organization of other notable European courses with similar objectives.

2 — When the length of the cycle of studies is based upon specific legal standards, consolidated practices or exceptional professional requirements pursuant to article 8(2) and articles 18(2) and 19(1) the higher education institution shall collate the documents on which that decision was based upon.

3 — The Minister of Science, Technology and Higher Education, through a proposal from the Director-General of Higher Education, and after hearing the Council of Rectors of Portuguese Universities, the Coordinating Council for Higher Polytechnic Institutes and the Portuguese Association of Private Higher Education, shall approve by ministerial regulation the technical rules, the deadlines and a standardized instrument to

answer requests for the registration of suitability which is to be published in the 2nd series of the Diário da República (Official State Gazette)

4 — Requests that are not formally implemented according to the provisions laid down in the above mentioned sections shall be immediately considered inadmissible.

CHAPTER II

Transitory regime for the authorization of the working of new cycles of studies in private and cooperative higher education

Article 69

Authorization for operating new cycles of studies

1 — The Minister of Science, Technology and Higher Education, through a proposal from the Director-General of Higher Education, shall authorize the operation of new cycles of studies at private and cooperative higher education institutions under the terms described in the present chapters.

2 — The authority referred to under point 1 above may be delegated to the Director-General of Higher Education.

Article 70

Expert committees

1 — Expert committees shall be formed to give an opinion on whether the requirements for the authorization of entry into force of the cycles of studies have been satisfied.

2 — The committees are formed by area of training and composed of national or foreign higher education teachers, or researchers, or experts with recognized experience and professional competence; and the committees shall include at least three members.

3 — The committees are to be appointed by regulation of the Minister of Science, Technology and Higher Education, proposed by the Director-General of Higher Education, after hearing the Portuguese Association of Private Higher Education.

4 — The members of the committees are independent in carrying out their duty.

Article 71

Procedure for analysing requests for authorization to operate

1 — The Directorate-General of Higher Education orders the requests for authorization to come into force, verifying that the requirements referred to in article 57 have been satisfied.

2 — Implementing the registration process is subject to the rules of the Code of Administrative Procedure.

3 — Within the scope of verifying that the requirements have been satisfied, the Directorate-General of Higher Education listens to the above mentioned expert committees.

Article 72

Decision on requests for authorization to operate

1 — A decision on requests for authorization to operate is stated given within 90 working days of being received.

2 — The operation of a cycle of studies which aims to award an academic degree without previous authorization of the operation implies non-acceptance of the request.

3 — Any courses taught under the terms of the previous numbered section may not be recognized and are not subject to any equivalence.

Article 73

Publication

The regulation of the acceptance of the authorization of operation shall be sent to the institution that requested it and will be published in the 2nd series of the Diário da República (Official State Gazette) by order of the Director-General of Higher Education.

Article 74

Cancellation of the authorization to operate

1 — The non-compliance with the legal requirements or the statutory dispositions and the non-observance of the scientific and pedagogic criteria justifying the authorization to operate, as well as the changes in the educational project of the cycle of studies, namely through unfounded changes carried out under the terms of the following chapter determine its cancellation.

2 — The decision to cancel the authorization to operate shall be taken by the Minister of Science, Technology and Higher Education by a proposal from the Director-General of Higher Education, after hearing the respective expert committee and the interested parties, and shall be published in the 2nd series of the *Diário da República* (Official State Gazette).

3 — In the event of the situation envisaged in the above numbered section the deadlines for the cancellation of the cycle shall be established and the measures to safeguard the expectations of the students that have enrolled in it shall be stated.

TITLE VI

Changes

Article 75

Regulations applicable to changes

The changes made to study programmes and other elements that characterize a cycle of studies that do not modify their objectives are subject to the regulations established in the present title.

Article 76

Regulations applicable to changes

The changes referred to in the above numbered section shall be approved by the legal and officially authorised bodies of the higher education institutions.

Article 77

Registration of changes

1 — The changes are subject to registration.

2 — The registration of changes shall be conducted by the Director-General of Higher Education.

Article 78

Instruction of the processes of changes

1 — The request for the registration of changes made to a cycle of studies is directed to the Director-General of Higher Education and should be implemented with the necessary elements to characterize and provide the basis for those changes.

2 — The Minister of Science, Technology and Higher Education, through a proposal from the Director-General of Higher Education, and after hearing from the Council of Rectors of Portuguese Universities, the Coordinating Council for Higher Polytechnic Institutes and the Portuguese Association of Private Higher Education, shall approve by ministerial regulation the technical rules, the deadlines and a standardized instrument to implement the requests for the registration of suitability. This is to be published in the 2nd series of the *Diário da República* (Official State Gazette).

3 — Requests that are not formally implemented according to the provisions laid down in the previous numbered sections shall be immediately considered inadmissible.

Article 79

Decision on processes of changes

1 — The decision on the procedures for changes is to be given within 30 working days of being received.

2 — The registration of changes may only be refused in the event of any applicable legal standard being violated.

3 — Implementing the procedure for changes is subject to the rules of the Code of Administrative Procedure.

4 — If the deadline referred to in section 1 above is not met with the request for registration shall be considered as having been tacitly accepted.

Article 80

Notification and publication of the regulation of change

1 — The institution that requested the registration for changes shall be notified of the regulation concerning acceptance of that registration.

2 — When the institution receives notification of the acceptance, or if the request has been tacitly accepted pursuant to No. 4 of the previous article, it shall publish those changes in the 2nd series of the Diário da República (Official State Gazette), which may be neither refused nor postponed.

3 — Any changes introduced without previous authorization imply the non-acceptance of the request.

4 — Any courses taught under the terms of the previous number may not be recognized and they are not subject to any equivalence.

TITLE VII

Final and transitory dispositions

Article 81

Ongoing Masters and Doctorates

For students that have already requested admission to a Masters or a Doctorate programme the legal regulations in force at the date of the respective request shall be applied.

Article 82

Special deadlines

1 — Higher education institutions that exceptionally intend to request the registration of suitability, of authorization for coming into force of new training schemes and the

registration of changes to be implemented in the 2006-2007 school year must send them to the Directorate-General of Higher Education by 31 March, 2006.

2 — Requests for suitability, authorization to operate new training schemes and registration of changes for coming into force in the 2007-2008 school year must be submitted to the Directorate-General of Higher Education by 15 November, 2006.

Article 83

Accreditation of ongoing cycles of studies

1 — The ongoing cycles of studies which are already active when the accreditation agency commences operations are subject to the accreditation procedure.

2 — The procedure referred to in the above numbered section shall be carried out by the end of the school year 2009-2010.

Article 84

Revoking norm

1 — With the coming into force of the present decree-law the following regulations are revoked:

- a) Articles 25 to 29 and 36 to 39 of the Legal Regulations of Development and Quality in Higher Education approved of by Law No. 1/2003, dated 6 January, 2003;
- b) Decree-Law No. 216/92, of 13 October, 1992, except for article 4(4) and articles 30 and 31;
- c) Article 39(1), 39(2), and 39(4), article 53(5), article 57(1), and articles 58 to 60, 64 and 67 of the Private and Cooperative Higher Education Statutes, approved of by Decree-Law No. 16/94, dated 22 January, 1994, amended by ratification, by Law No. 37/94, dated 11 November, 1994, and by Decree-Law No. 94/99, dated 23 March, 1999.

2 — With the coming into force of the administrative ruling referred to in article 49(1) the following regulations are revoked:

- a) Decree No. 119/81, dated 26 September, 1981;
- b) Executory Decision No. 63/87, dated 17 December, 1987.

Article 85

Coming into force

The present decree-law shall come into force on the day following its publication.

Seen and approved by the Council of Ministers on 16 February, 2006 — José Sócrates
Carvalho Pinto de Sousa — José Mariano Rebelo Pires Gago.

Promulgated on 20 March, 2006.

To be published.

The President of the Republic, Aníbal Cavaco Silva.

Countersigned on 21 March, 2006.

The Prime Minister, José Sócrates Carvalho Pinto de Sousa.