

# **THE LAW ON AGENCY FOR HIGHER EDUCATION OF THE REPUBLIC OF SRPSKA**

## **CHAPTER I BASIC PROVISIONS**

### Article 1.

This law regulates: status, jurisdiction, organization, management, leadership, financing and work of Agency for Higher Education of the Republic of Srpska (hereinafter: the Agency).

### Article 2.

(1) Main goal of Agency works is improving the quality of work of higher education institutions, academic staff, professional services at higher education institutions, monitoring the quality of study programs and studying at higher education institutions, in accordance with European and international standards for quality assurance in higher education.

(2) The Agency applies European standards and guidelines, recommendations of competent institutions in the Republic of Srpska (hereinafter: the Republic) and Bosnia and Herzegovina (hereinafter: BiH), and international practice in the field of higher education development and quality assurance in higher education.

(3) The Agency cooperates with the competent institutions of the Republic and Bosnia and Herzegovina to carry out and improve the tasks within its jurisdiction.

### Article3.

On issues that are not regulated by this law applied regulations for the general administrative procedure, the public service system and regulations in the field of work.

### Article 4.

The terms used in this law to represent male or female gender encompass both sexes.

### Article 5.

Certain terms and concepts in the sense of this law have the following meaning:

1) quality is a set of characteristics of a higher education institution, i.e. study program which proves the level of meeting generally accepted standards, as well as the needs and expectations of students and society as a whole in the process of scientific and educational activities, through constant improve all processes and outcomes,

2) ESG (Standards and Guidelines for Quality Assurance in the European Higher Education Area) i.e. standards and guidelines for internal quality assurance of higher education institutions, standards and guidelines for external quality assurance and standards and guidelines for quality assurance of agencies,

3) quality assurance is an aspect of process management that includes planning, implementation, supervision and improvement of the subject operations with the aim of gaining the confidence of stakeholders

that the expected level of quality will be achieved,

4) evaluation includes the procedures and the result of determining the quality, expediency and efficiency of a higher education institution, member of a university, study program or internal quality assurance system,

5) self-evaluation is a process by which a higher education institution in a systematic and documented manner checks the effectiveness and efficiency of the quality assurance system,

6) external evaluation is an objective and impartial evaluation of the quality assurance system of the subject to evaluation in relation to valid standards and criteriums, performed by a commission of reviewers or commission of experts, for the purpose of initial accreditation or accreditation of the subject to evaluation

7) cluster accreditation is a model of study program accreditation in which study programs from one or more higher education institutions are grouped on the basis of belonging to the same field of education/scientific field (scientific field/field of education or narrower scientific/narrower field of education) in order to carry out the external evaluation procedure in the purpose of accreditation

8) ENQA - European Association for Quality Assurance in Higher Education

9) ENIC / NARIC - European Network of Centers for Recognition and Information in Higher Education / National Centers for Academic Recognition and Information (European Network of Information Centers in the European Region / National Academic Recognition Information Centers in the European Union),

10) The European Qualifications Framework is a common European reference framework that connects national qualification systems and acts as a tool for comparison, i.e. easier understanding and interpretation of qualifications among different countries and education systems in Europe,

11) qualification framework is an instrument for the establishment of qualifications acquired in the Republic, which provides the basis for clarity, access, passability, acquisition and quality of qualifications,

12) qualification is the name for unified sets of learning outcomes of a certain type, level, scope, profile and quality, which is proven by a certificate, diploma or other valid public document issued by an authorized legal entity,

13) professional recognition is a procedure of recognition of a foreign higher education qualification, which establishes the right of the holder of the qualification to general access to the labor market.

## **CHAPTER II**

### **COMPETENCE OF THE AGENCY**

#### Article 6.

- (1) The Agency is an organization with public authority whose founder is the Government of the Republic of Srpska (hereinafter: the Government) on behalf of the Republic.
- (2) The Agency is an independent legal entity.
- (3) The seat of the Agency is in Banja Luka.

(4) The name of the Agency is the Agency for Higher Education of the Republic of Srpska.

(5) The Agency shall have a seal containing the name of the Agency and the emblem of the Republika Srpska.

#### Article 7.

(1) The Agency is competent to:

1) improvement and alignment of the system of higher education of the Republic with the international and European system of higher education,

2) development of the quality assurance system of higher education in accordance with the Standards and guidelines for quality assurance in the European area of higher education,

3) initial accreditation, accreditation and thematic evaluation of higher education institutions and study programs,

4) keep the Register of accredited higher education institutions and study programs,

5) recognition of foreign higher education qualifications for the purpose of general access to the labor market,

6) development and application of the qualification framework of the Republic and connection with the European framework of qualifications,

7) adoption of standards for initial accreditation and standards for accreditation of higher education institutions and study programs,

8) participation in the development, monitoring and implementation of strategies and general acts in the field of science and higher education,

9) collects and processes data on the higher education system and other systems with which higher education is connected,

10) encourages scientific research work of all interested parties in the field of quality assurance,

11) cooperation with international organizations, bodies and institutions responsible for higher education and quality assurance,

12) representing the Republic at international conferences, gatherings, in international organizations, networks, bodies and associations within its jurisdiction,

13) participation in the realization of projects within its jurisdiction financed by international financial organizations,

14) providing information through the media and other forms of information about its work,

15) perform other tasks in accordance with this Law, regulations in the field of higher education and the Statute.

(2) The competence of the Agency is regulated by this law, regulations in the field of higher education and the framework of qualifications, and the Statute and general acts of the Agency

### **CHAPTER III LEADERSHIP, MANAGEMENT OF THE AGENCY AND FINANCING OF THE AGENCY**

#### Article 8.

(1) The organization, management and leadership of the Agency is regulated by this law, the Statute and other general acts of the Agency

(2) The bodies of the Agency are:

- 1) The Steering Board и
- 2) director.

(3) In order to carry out specific and professional tasks within the competence of the Agency, the Agency establishes advisory and expert bodies, in accordance with its general acts.

(4) The Steering Board of the Agency shall adopt the Rulebook on the internal organization and systematization of jobs in the Agency for Higher Education of Republic of Srpska, with the consent of the Ministry of Scientific and Tehnological Development and Higher Education (hereinafter: the Ministry).

(5) The Rulebook from paragraph 4 of this Article prescribes the scope and method of work of organizational units, workplaces and special conditions for establishing an employment.

#### Article 9.

(1) The governing body of the Agency is the Steering Board.

(2) The Steering board has five members: three representatives of the academic community of the Republic, one representative of the economy and practice and one representative of the students.

(3) A Member of Steering Board may be appointed person who, in addition to the general conditions prescribed by special laws, also meets the special conditions prescribed by the Statute of the Agency.

(4) A Member of the Steering Board cant be a person against whom criminal proceedings are being conducted, nor a person who has been legally convicted of a criminal offense.

(5) Members of the Steering Board are entitled to compensation for their work.

#### Article 10.

(1) In performing tasks from its jurisdiction the Steering Board:

- 1) adopts the Statute of the Agency,
- 2) adopt the Rulebook on internal quality assurance of the Agency's work
- 3) adopts the Rules of Procedure of the Steering Board,

4) adopt the annual work plan and financial plan of the Agency,

5) adopts the Work Report and the Financial Report of the Agency,

6) issue an Rulebook prescribing the amount of fees for the provision of services within the competence of the Agency and the types and manner of distribution of own revenues.

7) adopt the Rulebook on internal quality assurance of the Agency's work,

8) adopt the reports submitted by the director in accordance with this and other laws,

9) makes a decision on standards for accreditation of higher education institutions and study programs in the Republic,

10) makes a decision on standards for initial accreditation of higher education institutions and study programs in the Republic,

11) adopts the List of reviewers,

12) adopt the List of Experts in accordance with the law,

13) decides on appeals and complaints of higher education institutions based on the received opinion of the Appeals and Complaints Committee,

14) decides on appeals against the decision on the recognition of foreign higher education qualifications,

15) appoint members of the Agency's advisory and expert bodies,

16) decides on complaints from employees in the field of labor relations,

17) adopt general and individual acts in accordance with the law and the Statute of the Agency.

(2) The Steering Board shall take measures for efficient and rational performance of tasks and duties within the competence of the Agency.

#### Article 11.

(1) The Director of the Agency represents the Agency, manages the work and is responsible for the work of the Agency.

(2) The Director is responsible for his work to the Steering Board and the National Assembly of the Republic of Srpska (hereinafter: the National Assembly).

(3) The Director shall participate in the work of the Steering Board of the Agency without the right to vote.

(4) A person may be appointed as the director of the Agency who, in addition to the general conditions prescribed by a special law, also meets the special conditions prescribed by the Agency's Statute.

(5) A person against whom criminal proceedings are being conducted, nor a person who has been convicted of a criminal offense by a final judgment, may not be appointed director.

#### Article 12.

The Director of the Agency shall perform the following tasks:

1) manages and represents the Agency in accordance with this law and the Statute of the Agency,

2) propose and adopt general and individual acts in accordance with this Law and the Statute of the Agency

3) propose the work program and financial plan of the Agency

4) submit a report on the work of the Agency,

5) decide on the need for admission and placement of employees in the Agency in accordance with the law governing the field of work, the Collective Agreement, the Rulebook on work and the Rulebook on internal organization and systematization of jobs,

6) appoint reviewers' commissions for external evaluation and giving recommendations on initial accreditation,

7) determine proposals commissions of experts for quality assessment and audit and make recommendations on accreditation of higher education institutions, ie study programs in accordance with the law,

8) appoint reviewers for reviews of study programs,

9) propose to the Steering Board the members of the Accreditation Council after the conducted public competition procedure,

10) propose to the Steering Board the members of the Appeals and Complaints Committee after the conducted public competition procedure,

11) represents the Agency at international conferences, gatherings and in international organizations, networks, bodies and associations within the competence of the Agency, in accordance with the law and the Statute of the Agency and

12) perform other tasks prescribed by this Law and the Statute of the Agency.

### Article 13.

(1) Members of the Steering Board from the academic community and economy and practice shall be appointed by the Government for a period of five years, based on a previously conducted public competition procedure, with the possibility of another election.

(2) A member of the Steering board from among students, at the proposal of the Union of Students of the Republic of Srpska, shall be appointed by the Government for a period of one year, with the possibility of another election.

(3) The Director shall be appointed by the National Assembly of the Republic of Srpska for a period of five years, with the possibility of another election, upon a previously conducted public competition procedure

(4) The procedure for electing and dismissing the members of the Steering Board and the Agency's director shall be prescribed by the Statute and the general act of the Agency.

(5) Member of the Steering Board of the Agency or director of the Agency may be removed from office before the expiration of the period for which they were appointed in the event that:

- 1) do not act in accordance with the law and general regulations of the Agency,
- 2) abuse their official position and their powers,
- 3) cease to meet the general and special conditions prescribed by law,
- 4) by their actions damage the reputation of the Agency,
- 5) submit a reasoned resignation in writing.

(6) If a member of the Steering Board of the Agency is dismissed before the expiration of the term, a new member of the Steering Board shall be elected on the basis of the conducted public competition procedure, for the period until the expiration of the term of office of the dismissed member.

(7) If the Director of the Agency is removed from office before the expiration of his term, the National Assembly may appoint an acting director for a period of up to six months.

(8) In the event of resignation, the director or a member of the Steering Board shall remain in office until dismissal, and for a maximum of three months from the day of resignation.

(9) If no new appointments are made by the expiration of the term of office of the appointed members of the Steering Board of the Agency or the Director of the Agency, the appointed members of the Steering Board and the Director of the Agency shall continue to perform their duties up to six months.

### Article 14.

(1) The provisions of this law, the regulations governing the field of labor relations and the general acts of the Agency apply to the labor-legal status of the employees of the Agency.

(2) The Director of the Agency adopts the the Rulebook on work, which prescribes the provisions on rights, obligations and responsibilities from the working relationship of the employees.

### Article 15.

(1) Agency shall submit to the National Assembly an annual report on its work with financial report no later than 30 June of the current year for the previous year

(2) The National Assembly gives consent to the act from paragraph 1 of this Article.

(3) The content of the report from paragraph 1 of this Article is determined by the Statute of the Agency.

#### Article 16.

The expert and advisory bodies of the Agency are: Accreditation Council and Appeals and Complaints Committee.

#### Article 17.

(1) The Accreditation Council is an expert and advisory body of the Agency, which controls compliance of external evaluation procedures with standards, criteria and general acts of the Agency.

(2) The structure, number of members, method of election and mandate of the Accreditation Council are prescribed by the Statute of the Agency.

(3) Members of the Accreditation Council are entitled to compensation for their work.

#### Article 18.

(1) Appeals and Complaints Committee is an expert and advisory body of the Agency that considers and issues an opinion on complaints and appeals from higher education institutions, in accordance with this law, the Statute and other Acts of the Agency.

(2) The structure, number of members, method of election and mandate of the members of the Appeals and Complaints Committee are prescribed by the Statute of the Agency.

(3) Members of the Appeals and Complaints Committee are entitled to compensation for their work.

#### Article 19.

(1) The Agency shall be financed from the budget of the Republic, own revenues and other sources.

(2) Funds from the budget of the Republic, in accordance with the financial plan, the following are financed:

- 1) salaries and compensations of employees,
- 2) membership fees and participation in international associations, networks and registers of agencies,
- 3) a part of material operating costs of Agency,
- 4) the accreditation procedures of public higher education institutions and study programs of higher education institutions with the institution's accreditation,
- 5) thematic evaluation procedures at the request of the Ministry and the Students Union of the Republika Srpska
- 6) costs of periodic external evaluation of the Agency.

(3) The Director of the Agency shall issue the Rulebook on salaries, compensations and other incomes of employees with consent the Steering Board in accordance with the regulations governing the field of work and general acts of the Agency.

(4) The Steering Board, with the consent of the Government, makes a decision determining compensation of the members of the Steering Board and the salary of the Agency's director.

(5) Initial accreditation procedures of higher education institutions and study programs are financed by higher education institutions from their own funds.

(6) Accreditation procedures of study programs that are not covered by the provisions of paragraph 2, item 4) of this article are financed by higher education institutions from their own funds.

#### Article 20.

(1) The Steering Board of the Agency shall adopt the Rulebook on determining the amount of fees for the provision of services within the competence of the Agency and the types and manner of distribution of own revenues.

(2) The Rulebook referred to in paragraph 1 of this Article shall determine the amounts of fees for the provision of services within the competence of the Agency, types and manner of distribution of own revenues, amounts of fees for members of the Accreditation Council, members of the Appeals and Complaints Committee, experts and reviewers.

### **CHAPTER IV QUALITY ASSURANCE SYSTEM**

#### Article 21.

The quality assurance system in higher education includes internal and external quality assurance, and is implemented through: самовредновање,

- 1) External evaluation,
- 2) making a decision on accreditation.,
- 3) follow-up activities.

#### Члан 22.

(1) Higher education institutions establish a system of internal quality assurance that includes

- 1) monitoring the implementation of the development strategy,
- 2) implementation of internal quality assurance procedures,
- 3) monitoring and improving the quality of study programs,
- 4) monitoring and improvement of learning, teaching and evaluation methods at studies,
- 5) monitoring and improving the achievement of student learning outcomes,
- 6) monitoring and improving the scientific productivity of teachers,
- 7) monitoring and improving the professional work of teachers,
- 8) monitoring and improving the work of professional services,
- 9) monitoring and improvement of other activities performed by the higher education institution.

(2) Higher education institutions establish offices for quality assurance and improvement.

(3) Higher education institutions carry out a self-evaluation process periodically, at least once every two years, with the aim of determining the level of quality and effectiveness of the established internal quality assurance system, with consultations with interested parties.

(4) system is governed by the general act of the higher education institution.

#### Article 23.



(1) External quality assurance includes evaluation and quality assessment of the subject of evaluation, which is based on objective and clear standards that are harmonized with European and international standards for quality assurance in higher education, this law and regulations in higher education area.

(2) External evaluation procedures can be:

- 1) initial accreditation,
- 2) accreditation,
- 3) thematic evaluation.

(3) The subject of external evaluation can be:

- 1) higher education institutions,
- 2) member of the university,
- 3) study programs.

#### Article 24.

(1) In external evaluation procedures are applied

- 1) Standards for Initial Accreditation,
- 2) Standards for Accreditation of Higher Education Institution,
- 3) Standards for Accreditation of study programs of the first and second cycle of

studies.

(2) The standards from paragraph 1 of this article are harmonized with ESG and recommendations of competent institutions in the Republic and BiH.

(3) The standards for accreditation of higher education institutions from paragraph 1 point 2) of this article are aligned with the regulation on criteria for accreditation of higher education institutions in Bosnia and Herzegovina.

(4) The standards for the accreditation of study programs from paragraph 1, point 3) of this article are harmonized with the regulation on the criteria for the accreditation of study programs of the first and second cycle of studies in Bosnia and Herzegovina.

(5) The standards from paragraph 1 of this article contain guidelines and quality indicators that enable objective and transparent internal and external evaluation.

#### Article 25.

(1) the process of initial accreditation and accreditation of joint studies, the standards prescribed by the European approach to ensuring the quality of joint studies are applied.

(2) An integral part of the Standards for Initial Accreditation from Article 24, Paragraph 1, Point 1) of this Law are also the standards for accreditation of joint studies.

(3) Initial accreditation, i.e. accreditation of joint studies, is carried out according to the procedure prescribed for initial accreditation, i.e. accreditation of study programs.

#### Article 26.

(1) The standards referred to in Article 24, paragraph 1 of this law are adopted by the Steering Board, with the previously obtained opinion of the Council for Higher Education of the Republic of Srpska (hereinafter: the Council).

(2) standards referred to in Article 24, paragraph 1 of this law are published in the "Official Gazette of the Republic of Srpska."

## **CHAPTER V INITIAL ACCREDITATION**

### Article 27.

Initial accreditation is a procedure that determines whether a higher education institution and/or study program meets the requirements of the Standard for Initial Accreditation from Article 24, Paragraph 1, Point 1) of this law, and for the purpose of issuing license for the operation.

### Article 28.

- (1) The subject of initial accreditation are:
  - 1) higher education institutions and
  - 2) study programs.
- (2) The initial accreditation of a higher education institution is carried out in the case:
  - 1) establishment of a new institution,
  - 2) status changes of the institution and
  - 3) change of seat and/or name of the institution
- (3) The initial accreditation of the study program is carried out in the case of:
  - 1) introduction of a new study program at a higher education institution,
  - 2) changes in the name of the study program,
  - 3) changes to the qualification that is acquired upon completion of the study program,
  - 4) changes in the field of education to which the study program belongs,
  - 5) changes in the form of teaching,
  - 6) changes in the place of studies,
  - 7) changes in the institutions participating in the implementation of the joint study,
  - 8) significant changes and additions to the study program that are prescribed by the Instruction for changing study programs for the purpose of harmonizing them with achievements in science and art.
- (4) Instruction from paragraph 3, item 8) of this article is issued by the Steering Board of the Agency.

### Article 29.

(1) In accordance with the regulations governing higher education, the Ministry submits to the Agency a proper request for external evaluation for the purpose of initial accreditation, with documentation and a previously obtained positive opinion of the Council on the social justification of establishing a higher education institution, i.e. a new study program/orientation.

(2) The initial accreditation procedure is carried out within 90 days from the date of receipt of the request from Paragraph 1 of this Article.

(3) If, for justified reasons, the initial accreditation procedure is not completed within the period referred to in paragraph 2 of this article, the deadline for completing the procedure shall be extended by a maximum of another 60 days.

### Article 30.

(1) External evaluation for the purpose of initial accreditation or accreditation of a higher education institution and study programs conducted by a commission of reviewers for external evaluation for the purpose of initial accreditation (hereinafter: commission of reviewers).

(2) The Director of the Agency shall appoint a Commission of Reviewers from List of reviewers in accordance with this law.

(3) The list of reviewers is formed and adopted by the Steering Board of the Agency in accordance with the criteria for the selection of academic staff, representatives of business and practice and students, with the opinion of the Ministry obtained.

(4) Members of the Commission of Reviewers are entitled to compensation for their work.

#### Article 31.

(1) On the basis of the documentation of the higher education institution, i.e. the study program and the visit to the higher education institution, the Commission of Reviewers prepares a report on the initial accreditation of the higher education institution, i.e. the study program/orientation in the existing study program, with an expert opinion containing an assessment of the fulfillment of the requirements of the standard and a detailed explanation of the assessment.

(2) Agency submit to the Ministry the report of the Reviewers' Commission referred to in Paragraph 1 of this Article, with the recommendation that:

1) issues a work permit to a higher education institution, i.e. conducting study program/major or

2) rejects the request of the higher education institution for the issuance of a work permit, i.e. conducting study program/major.

(3) Upon receipt of the report of the Commission of Reviewers from Paragraph 1 of this Article and the recommendations from Paragraph 2 of this Article, the Ministry may request the Agency to submit an additional explanation, i.e. supplement the report of the Commission.

(4) The Agency acts upon the request of the Ministry from Paragraph 3 of this Article, i.e. submits an additional explanation or supplement to the report of the Commission of Reviewers within eight days from the day of receipt of the request.

#### Article 32.

(1) The Director of the Agency shall issue the Rulebook on the initial accreditation of higher education institutions and study programs.

(2) The Ordinance referred to in paragraph 1 of this Article prescribes:

1) guidelines for the preparation of documentation for initial accreditation,

2) external evaluation procedure for the purpose of initial accreditation

3) shortened external evaluation procedure for the purpose of initial accreditation,

4) the method of determining the List of Reviewers

5) formation procedure, structure and method of work of the Commission of Reviewers,

6) content and form of the report of the Commission of Reviewers,

7) method of evaluation and

8) giving a recommendation for issuing a work permit.

(3) The Rulebook from Paragraph 1 of this Article is published in the "Official Gazette of the Republic of Srpska".

#### Article 33.

(1) A higher education institution that has received a work permit must, without delay, submit to the Agency a request for accreditation of the higher education institution and study programs for which it has received a work permit after the expiration of a period of two years from the date of registration in the Register of Higher Education Institutions, which is maintained by the Ministry.

(2) If the higher education institution does not submit an application for accreditation within the period referred to in paragraph 1 of this Article, it will be deleted from the Register of Higher Education Institutions.

### **CHAPTER VI ACCREDITATION OF HIGHER EDUCATION INSTITUTIONS AND STUDY PROGRAMS**

#### Article 34.

Accreditation is a procedure that determines whether a higher education institution and/or study programs fulfills the Standards for the Accreditation of Higher Education Institutions and/or the Standards for the Accreditation of Study Programs of the First and Second Cycle of Studies from Article 24, Paragraph 1, Item. 2) and 3) of this law.

#### Article 35.

(1) The study program accreditation models are:

- 1) review,
- 2) cluster accreditation,
- 3) individual accreditation.

(2) Accreditation of the study program according to the peer review model is carried out as part of the accreditation procedure of the higher education institution, after the expert opinions of the reviewers on the study program have been obtained.

(3) Accreditation of study programs according to the model of cluster or individual accreditation is carried out according to the same procedure as the accreditation of a higher education institution

(4) Accreditation of study programs can be carried out within the accreditation procedure of a higher education institution and/or as a separate procedure.

#### Article 36.

(1) The accreditation procedure of a higher education institution must be carried out every five years.

(2) The higher education institution is obliged to accredit the study programs of the first and second cycle of studies for which it has a work permit.

(3) External evaluation for the purpose of accreditation of study programs from Paragraph 2 of this Article takes place according to the annual plan of accreditation of study programs adopted by the director of the Agency.

#### Article 37.

(1) The higher education institution submits an application for accreditation to the Agency no later than one year before the expiration of the valid accreditation.

(2) As an exception to paragraph 1 of this article, if the accreditation was preceded by a letter of expectation, the higher education institution submits a request for accreditation to the Agency no later than 18 months before the expiration of the valid accreditation.

(3) With the request for accreditation from paragraphs 1 and 2 of this article, the higher education institution submits documentation that is prepared in accordance with the guidelines for the preparation of documentation for accreditation prescribed by the regulation on accreditation of higher education institutions and study programs.

(4) The agency, ex officio, obtains evidence from the competent authorities establishing the facts essential for the implementation of the external evaluation procedure for the purpose of accreditation and the adoption of decisions on the accreditation of higher education institutions and study programs.

#### Article 38.

(1) External evaluation for the purpose of accreditation is carried out by the Commission of Experts for Quality Assessment and Audit and making recommendations on the accreditation of higher education institutions and study programs (hereinafter: Commission of Experts).

(2) The Agency determines the final proposal for the composition of the Commission of Experts, which it submits to the Agency for the Development of Higher Education and Quality Assurance (hereinafter: HEA) for appointment, in accordance with the law governing the framework of higher education in BiH.

(3) Members of the Commission of Experts are entitled to compensation for their work.

#### Article 39.

(1) If the study program is accredited according to the review model, the director of the Agency appoints reviewers to provide expert opinions on the study program, from the List of reviewers from Article 30, Paragraph 3 of this law.

(2) Reviewers from Paragraph 1 of this Article have the right to compensation for their work.

#### Article 40.

(1) The Commission of Experts prepares a report on external evaluation for the purpose of accreditation of the higher education institution/study program based on the documentation of the higher education institution/study program and the visit to the higher education institution.

(2) In the report on external evaluation for the purpose of accreditation of the higher education institution/study program, the Commission of Experts gives an opinion and recommendation on the accreditation of the higher education institution and/or study programs.

(3) The opinion of the Commission of Experts is submitted to the HEA for the purpose of issuing a recommendation on accreditation in accordance with the law governing the framework of higher education in BiH.

#### Article 41.

(1) Based on the recommendation of the Commission of Experts from Article 40, paragraph 2 of this law, after obtaining the opinion of the Accreditation Council and the recommendation from Article 40, paragraph 3 of this law, the Director of the Agency:

- 1) adopts a decision on accreditation,
- 2) sends a letter of expectation to the higher education institution or
- 3) makes a decision on the rejection of the request for accreditation.

(2) On decisions from paragraph 1. t. 1) and 3) of this article, the higher education institution may appeal to the Steering Board of the Agency within 15 days from the date of receipt of the decision.

(3) The Steering Board decides on the appeal referred to in Paragraph 2 of this Article based on the received opinion of the Appeals and Complaints Committee.

(4) The decision of the Steering Board referred to in Paragraph 3 of this Article is final, and an administrative dispute may be initiated against it.

(5) Upon the finality of the decision from Paragraph 1. Point 3) of this Article, the competent authority prohibits the performance of higher education activities by the higher education institution or the execution of the study program, in accordance with the law.

(6) The decision on accreditation is submitted to the HEA for registration in the Register of accredited higher education institutions in BiH, in accordance with the law governing the framework of higher education in BiH.

#### Article 42.

(1) In the letter of expectation from Article 41, paragraph 1, point 2) of this law, the established deficiencies, a set of recommendations and the deadlines for their execution, which cannot be longer than one year, are stated.

(2) Upon receipt of the letter of expectation, and no later than within three months from the date of receipt, the higher education institution is obliged to submit to the Agency a plan to eliminate deficiencies.

(3) If the higher education institution fails to submit a plan to eliminate deficiencies within the deadline referred to in paragraph 2 of this article, the director of the Agency shall issue a decision rejecting the request for accreditation.

(4) A letter of expectation can be issued only once during the same external evaluation procedure.

#### Article 43.

(1) Director of the Agency adopts the Rulebook on accreditation of higher education institutions and study programs.

(2) The Rulebook from paragraph 1 of this article prescribes:

- 1) guidelines for the preparation of documentation for accreditation,
- 2) external evaluation procedure for the purpose of accreditation,
- 3) the method of determining the List of Experts,
- 4) the procedure for selecting and appointing reviewers for reviewing study programs,
- 5) the formation procedure, structure and method of working of the Commission of Experts,
- 6) content and form of the report of the Commission of Experts,

- 7) evaluation method,
- 8) method of obtaining the opinion of the Accreditation Council and the recommendation of the HEA,
- 9) issuance and method of entering the decision in the registers,
- 10) follow-up activities.

(3) The Rulebook from paragraph 1 of this article is published in the "Official Gazette of the Republic of Srpska".

#### Article 44.

(1) Accreditation of the study program, as well as any other form of external evaluation that the higher education institution acquires from another ENQA member agency, will be recognized under the conditions and in the manner determined by the agreement between the Agency and the agency that performed the external evaluation, in terms of ESG provisions.

(2) The agreement from paragraph 1 of this article must contain detailed provisions on the conditions for recognition of accreditation and other forms of evaluation that the higher education institution has acquired from another ENQA member agency.

(3) Accreditations carried out in the Republic of Serbia are recognized in the Republic in accordance with the concluded Agreement on joint activities in the field of quality assurance and recognition of accreditations in higher education established between the Ministry of Education, Science and Technological Development of the Republic of Serbia and the Ministry of Scientific and Technological Development and Higher Education of the Republic of Srpska (hereinafter: Agreement).

#### Article 45.

(1) If during the process of external evaluation for the purpose of accreditation, facts are learned that can significantly affect the adoption of the decision on accreditation, the procedure is terminated, and the established term of accreditation is extended for the duration of the interruption of the procedure.

(2) The director of the Agency makes a conclusion on the termination of the procedure, against which a special appeal is allowed to the Steering Board of the Agency within 15 days from the date of receipt of the conclusion.

(3) The Steering Board decides on the appeal referred to in paragraph 2 of this Article based on the received opinion of the Appeals and Complaints Committee.

(4) The decision of the Steering Board is final, and an administrative dispute can be initiated against it by means of a lawsuit.

(5) If, for justified reasons, the accreditation procedure is not completed by the expiration of the validity of the accreditation, the Director of the Agency issues a decision extending the period of validity of the accreditation until the end of the procedure, and no longer than 18 months from the expiration of the validity of the accreditation.

#### Article 46.

(1) Based on the decision on accreditation, higher education institutions and study programs are registered in the Register of accredited higher education institutions and study programs (hereinafter: the Register).

(2) The Register is kept in written and electronic form and is part of the Agency's central information system.

(3) The Agency shall notify the Ministry of all changes in the Register within 30 days of the change being made.

(4) The extract from the Register is available to the public via the Agency's website.

(5) Higher education institutions that are accredited in the Republic of Serbia may be registered in the Register from paragraph 1 of this article in accordance with the Agreement from article 44, paragraph 3 of this law.

(6) For a higher education institution whose accreditation has expired, and which has not submitted a new request for accreditation by the expiration of the validity period of the accreditation, the director of the Agency issues a decision on deletion from the Register.

(7) The higher education institution may appeal the decision from paragraph 6 of this article to the Steering Board within 15 days from the date of receipt of the decision.

(8) The Steering Board decides on the appeal referred to in paragraph 7 of this Article based on the opinion of the Appeals and Complaints Committee.

(9) The decision of the Steering Board is final, and an administrative dispute can be initiated against it.

(10) A higher education institution whose request for accreditation was rejected is deleted from the Register based on the final decision from Article 41, paragraph 1, point 3) of this law.

#### Article 47.

(1) The Director of the Agency adopts the Rulebook on maintaining the Register of accredited higher education institutions and study programs.

(2) The rulebook from paragraph 1 of this article prescribes:

- 1) method of maintaining the Register,
- 2) appearance and content of the Register,
- 3) registration procedure in the Register,
- 4) deletion from the Register and
- 5) ensuring the availability of information on accredited higher education institutions and study programs.

## **CHAPTER VII THEMATIC EVALUATION**

#### Article 48.

(1) Thematic evaluation is an extraordinary procedure for checking the quality of a higher education institution, study program or its individual parts.

(2) Thematic evaluation ex officio is carried out by the Agency on the basis of the decision of the Accreditation Council, and it can also be carried out on the reasoned proposal of the Ministry, the higher education institution and the student representative body of the higher education institution and the Students Union of the Republika Srpska.

#### Article 49.

(1) Thematic evaluation is carried out by reviewers who are appointed from the List of Reviewers from Article 30, Paragraph 3 of this Law.

(2) Depending on the outcome of the thematic evaluation procedure, the Agency may initiate an extraordinary accreditation procedure.



(3) The higher education institution is obliged to submit a request for extraordinary accreditation within 90 days from the date of delivery of the notification on the obligation to carry out the extraordinary accreditation procedure from paragraph 2 of this article.

(4) If the higher education institution does not submit a request for extraordinary accreditation within the deadline, the Agency issues a decision on the cancellation of the decision on accreditation and informs the competent authority in order to prohibit the performance of higher education activities.

(5) Reviewers from paragraph 1 of this article have the right to compensation for their work.

#### Article 50.

(1) The Director of the Agency adopts the Rulebook on thematic evaluation.

(2) The rulebook from paragraph 1 of this article prescribes:

- 1) the content and form of the proposal from Article 48, paragraph 2 of this law,
- 2) thematic evaluation procedure,
- 3) way of engagement and work of reviewers and
- 4) form and content of the report.

(3) The Rulebook from paragraph 1 of this article is published in the "Official Gazette of the Republic of Srpska".

### **CHAPTER VIII RECOGNITION OF FOREIGN HIGHER EDUCATION QUALIFICATIONS AND QUALIFICATION FRAMEWORK**

#### Article 51.

(1) Recognition of a foreign higher education qualification is a procedure by which the holder of the qualification is determined the right to access to labor market.

(2) The Agency carries out the recognition procedure for the purpose of general access to the labor market of foreign higher education qualifications in accordance with this law and the law governing the field of higher education, unless otherwise stipulated by an international agreement.

(3) The recognition procedure for the purpose of general access to the labor market is not carried out for qualifications obtained on the territory of the former SFRY until April 6, 1992 and for qualifications obtained at accredited higher education institutions in the Republic of Serbia, based on the Agreement on Mutual Recognition of Documents in Education and regulating the status issues of pupils and students ("Official Gazette of the Republic of Srpska", number 79/05).

(4) Qualifications from paragraph 3 of this article have the same legal effect as qualifications issued on the territory of the Republic.

(5) Exceptionally, at the request of the holder of the qualification, the procedure of professional recognition of the higher education qualification acquired at an accredited higher education institution in the Republic of Serbia may be carried out.

#### Article 52.

(1) In the recognition procedure for the purpose of general access to the labor market, the evaluation of the foreign study program in which the foreign higher education qualification was obtained is carried out.

(2) The process of evaluating a foreign higher education qualification is preceded by obtaining evidence of the study system in the country where the foreign higher education diploma was obtained, accreditation of the higher education institution and study program, and other evidence of the studies that preceded the acquisition of the foreign higher education qualification, which the Agency obtains through the Center for information and recognition of documents from the field of higher education in BiH and/or other centers of the ENIC/NARIC network.

(3) A foreign higher education qualification is not recognized if it is established that there are significant differences between the qualification for which recognition is sought and the corresponding qualification in the Republic.

(4) Once the evaluation has been carried out, it is valid for all subsequent cases of recognition of a foreign higher education qualification when it was obtained at the same higher education institution and on the same study program.

(5) When evaluating a foreign study program, the Agency may request an expert opinion from the higher education institution that is the home institution for the field to which the foreign study program belongs.

#### Article 53.

(1) The decision on the recognition of a foreign higher education qualification for the purpose of employment must contain: the name, type, level and duration (scope) of the study program, the name of the foreign higher education qualification in the original language, and the type and level of study in the Republic to which the study completed abroad corresponds, if such type and level of study exists in the Republic.

(2) The Director of the Agency issues a decision on the recognition of a foreign higher education qualification within 90 days from the day of receipt of a proper request for the recognition of a foreign higher education qualification.

(3) The name of the foreign higher education qualification is, as a rule, stated in the original (in the original language) and without translation in the enacting clause of the decision on recognition.

(4) The holder of the qualification may appeal the decision from paragraph 2 of this article to the Steering Board within 15 days from the date of receipt of the decision.

(5) The decision of the Steering Board is final, and an administrative dispute can be initiated against it with a lawsuit.

(6) The decision from paragraph 2 of this article has the force of a public document.

#### Article 54.

(1) The Director of the Agency adopts the Rulebook on the procedure for the recognition of foreign higher education qualifications.

(2) The rulebook from paragraph 1 of this article prescribes:

1) the content of the request for the recognition of a foreign higher education qualification,

2) the procedure for recognizing foreign higher education qualifications for the purpose of general access to the labor market,

3) significant differences between the qualification for which recognition is requested and the corresponding qualification in the Republic referred to in Article 52, paragraph 3 of this law and

4) form and content of the decision on the recognition of a foreign higher education qualification.

(3) The rulebook from paragraph 1 of this article is published in the "Official Gazette of the Republic of Srpska".

#### Article 55.

(1) For recognition costs from Art. 51 to 54 of this law, a fee is paid.

(2) Persons up to 26 years old without both parents, persons with disabilities from I to VI categories, children of deceased combatants, children of war invalids from I to VI categories are exempted from paying the fee for the recognition of a foreign higher education qualification.

(3) The amount of compensation for the costs of the recognition procedure referred to in paragraph 1 of this Article shall be prescribed by the Rulebook on determining the amount of compensation for the provision of services under the competence of the Agency and the types and method of distribution of own revenues.

#### Article 56.

The Agency keeps records and permanently stores documentation on the implemented recognition procedure from Art. 51 to 54 of this law

#### Article 57.

In the area of development and application of the Qualification Framework of the Republic of Srpska, the Agency carries out work in accordance with the regulations governing this area.

### **CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS**

#### Article 58.

With the entry into force of this law, the Agency for Higher Education of the Republic of Srpska continues its work in accordance with this law.

#### Article 59.

(1) Within six months from the date of entry into force of this law, the Steering Board shall adopt:

1) Standards for initial accreditation of higher education institutions and study programs (Article 26, paragraph 1),

2) Standards for accreditation of higher education institutions (Article 26, paragraph 1),

3) Standards for accreditation of study programs (Article 26, paragraph 1).

(2) The Steering Board of the Agency shall, within six months from the date of entry into force of this law, adopt:

1) Rulebook on the internal organization and systematization of jobs in the Agency for Higher Education of the Republic of Srpska (Article 8, paragraph 4),

2) Rulebook on internal quality assurance of the Agency for Higher Education of the Republic of Srpska (Article 10, paragraph 1, point 7),

3) Rulebook on determining the amount of fees for the provision of services under the competence of the Agency for Higher Education of the Republic of Srpska and the types and method of distribution of own income (Article 20, paragraph 1),

4) Instructions for changing study programs (Article 28, paragraph 3, point 8).

(3) The Director of the Agency shall, within six months from the date of entry into force of this law, adopt:

1) Rulebook on work in the Agency for Higher Education of the Republic of Srpska (Article 14, paragraph 2),

2) the Rulebook on salaries, compensations and other incomes of employees (Article 19, paragraph 3),

3) the Rulebook on the initial accreditation of higher education institutions and study programs (Article 32, paragraph 1),

4) the Rulebook on accreditation of higher education institutions and study programs (Article 43, paragraph 1),

5) the Rulebook on keeping the Register of accredited higher education institutions and study programs (Article 47, paragraph 1),

6) the Rulebook on thematic evaluation (Article 50, paragraph 1),

7) the Rulebook on the procedure for recognition of a foreign higher education qualification (Article 54, paragraph 1),

(4) Until the adoption of acts from para. 1, 2, and 3 of this article, by-laws that were valid until the date of entry into force of this law are applied, if they are not in conflict with this law.

(5) The Agency shall harmonize its organization, work and acts with this law within six months from the day this law enters into force.

#### Article 60.

Procedures of external evaluation of higher education institutions and study programs and recognition of foreign higher education qualifications that were started and not completed before the entry into force of this law, will continue and be completed according to the provisions of this law.

#### Article 61.

(1) Members of the Steering Board, the Accreditation Council, Appeals and Complaints Committee remain in office until the end of the term

(2) The Committee for Appeals and Complaints continues its work under the name of Appeals and Complaints Committee.

#### Члан 62.

With the entry into force of this law, the Law on Quality Assurance in Higher Education of the Republic of Srpska ("Official Gazette of the Republic of Srpska", no. 67/20 and 16/23) ceases to be valid.

#### Члан 63.

This Law shall enter into force on the eighth day from the day of its publication in the "Official Gazette of the Republic of Srpska".

Number:  
Date:

PRESIDENT  
of the NATIONAL ASSEMBLY

Nenad Stevandić