Annex 1 - Romanian Legislative framework on Quality Assurance in Education

Annex 1. 1 - Government Emergency Ordinance no. 75/2005 on Quality Assurance in Education, approved by the Law nr. 87/2006, with subsequent amendments and completions – referred in the SAR as the "Law"..... 2

Annex 1. 2 - Law of National Education no. 1/2011, with subsequent amendments and completions (includes other legal provisions on quality assurance and ARACIS activity) 17

Annex 1. 1 - Government Emergency Ordinance no. 75/2005 on Quality Assurance in Education, approved by the Law nr. 87/2006, with subsequent amendments and completions – referred in the SAR as the "Law"

- (On 25-Jan-2007 see enforcement references from the 2007 Methodology)
- (On 18-Jan-2007 see enforcement references from the 2007 Standards)

Given the need to assure the quality of education by setting the legislative framework to allow the development of an institutional culture for education quality and the protection of the education beneficiary,

considering the need to change the current situation where Romania is among the very few European countries not having a regulated mechanism for the education quality assurance,

in virtue of Art. 141 letter s) of the Law on Education no. 84/1995, republished, with subsequent amendments and supplements, according to Art. 115 para. (4) of the Constitution of Romania, republished, the **Government of Romania** adopts this emergency ordinance.

CHAPTER I: General provisions

Art. 1

(1) This emergency ordinance regulates the education quality assurance.

(2) The provisions of this Government Emergency Ordinance shall apply to all education providers operating on the territory of Romania, as well as to the Romanian education providers legally operating on the territory of other states, according to the regulations in force.

- (On 14-Sep-2011 Art.1, paragraph (2) of Chapter I as amended by Art.1, item 1 of the Emergency Ordinance 75/2011)

Art. 2

For the purposes of this Emergency Ordinance:

a) education refers to the initial and continuous higher education or vocational training programs and activities;

b) the education provider is an educational institution. Other legal entities may also be considered education providers, provided that their articles of incorporation include educational activities based on duly authorized programs for the initial and continuous training;

- (On 16-Apr-2006 Article 2, letter B of Chapter I as amended by Article 1, item 1 of Law 87/2006)

c) the study programs shall represent the educational offer provided by any education provider;

d) the direct beneficiaries of education shall mean pre-school children, pupils and students, as well as

adults included in any form of education;

- (On 16-Apr-2006, Article 2, letter D of Chapter I as amended by Article 1, item 1 of Law 87/2006)

e) the indirect beneficiaries of education shall mean employers, employees, families of direct beneficiaries, and to a greater extent, the entire society;

f) the national framework of qualifications shall progressively include, in a correlated manner, all study degrees, diplomas and certificates attesting the distinct levels of qualification expressed in terms of learning outcomes. The national framework of qualifications is correlated with the corresponding European framework.

- (On 16-Apr-2006 Art. 2, letter F of Chapter I as amended by Article 1, item 1 of Law 87/2006)

Art. 3

(1) The quality of education is the set of features of any study program and of any of its providers, fulfilling the expectations of the beneficiaries as well as the quality standards.

(2) The assessment of the education quality refers to a multi-criteria examination of the extent to which the education provider and its programs meet the standards and benchmarks. When the quality assessment is carried out by the education provider itself, this takes the shape of an internal assessment. When the quality assessment is carried out by a national or international specialized agency, it takes the shape of an external assessment.

(3) The education quality assurance is achieved through a set of actions for the development of the institutional capacity to prepare, plan and implement study programs, increasing the trust of the beneficiaries that the education provider meets the quality standards. Quality assurance expresses the capacity of any education provider to deliver education programs in line with the standards. This is promoted so that it leads to the continuous improvement of the education quality.

(4) The control of education quality in preschool, primary, secondary, vocational, high-school and post-secondary education institutions involves operational activities and techniques, systematically implemented by an inspection authority appointed to verify the compliance with predefined standards.

(5) Improving the education quality requires continuous assessment, analysis and corrective action on behalf of the education provider, based on the selection and adoption of the most appropriate procedures, as well as on the selection and implementation of benchmarks.

- (On 16-Apr-2006 Article 3 of Chapter I as amended by Article 1, item 2 of Law 87/2006)

Art. 4

(1) The accreditation of education providers and their study programs is part of quality assurance.

(2) The accreditation is the quality assurance method for certifying compliance with the standards for the functioning of education providers and their study programs.

- (On 16-Apr-2006 Article 4, paragraph 2 of Chapter I as amended by Article 1, item 3 of Law 87/2006)

Art. 5

(1) The education quality is a permanent priority for any education provider as well as for its employees.

(2) Quality is a fundamental criterion for financing education out of public funds. As far as higher education is concerned, the inter-institutional comparative assessment of the university study programs results in differences in funding, depending on the different quality of the program supplied.

(3) The educational providers must operate so that the quality of their activity should satisfy the public confidence, and that the education must establish itself as a public asset.

(4) The education quality assurance policies in Romania are permanently correlated with the actions internationally promoted.

- (On 16-Apr-2006 Article 5 of Chapter I as amended by Article 1, item 4 of Law 87/2006)
- (On 16-Apr-2006 Article 6 of Chapter I repealed by Article 1, item 5 of Law 87/2006)

CHAPTER II: Methodology of education quality assurance

Art. 7

(1) The education quality assurance is centered mainly on outcomes.

(2) The outcomes shall be expressed in competencies, skills, values and attitudes, which are obtained by attending and completing an education level or study program.

- (On 16-Apr-2006 Article 7 of Chapter II as amended by Article 1, item 6 of Law 87/2006)

(3) The outcomes obtained within a doctoral program are also expressed by the quality of the results of the scientific research obtained within that program by PhD students and doctoral supervisors.

- (On 14-Sep-2011 Art.7, paragraph (2) of Chapter II completed by Art.1, item 2 of the Emergency Ordinance 75/2011)

Art. 8

(1) The methodology of education quality assurance comprises the following components:

- (On 16-Apr-2006 Article 8, paragraph (1) of Chapter II as amended by Article 1, item 7 of Law 87/2006)

a) criteria;

b) standards and benchmarks;

c) performance indicators;

d) qualifications.

(2) The quality of education is assured through the following processes:

a) planning and effectively achieving the expected learning outcomes;

b) monitoring the outcomes;

c) internal assessment of the outcomes;

d) external assessment of the outcomes;

- (On 16-Apr-2006 Article 8, paragraph (2), letter E of Chapter II, repealed by Article 1, item 8 of Law 87/2006)

(3) The components and processes of quality assurance and the relationships between them shall be differentiated according to:

a) the level of education and, where appropriate, qualification;

b) type of organization providing education;

c) type of study program.

Art. 9

For the purposes of this Emergency Ordinance:

a) The criterion refers to a fundamental aspect of the organization and operation of an education-providing organization.

b) The standard is a description of requirements formulated as rules or outcomes that define the minimum mandatory level for each activity in education to be considered completed.

c) The benchmark is a description of the requirements that define the optimal level at which an activity performed by an education providing organization is considered to be completed, based on the good practices applicable at national, European or international level.

d) The performance indicator is a measure of the extent to which an activity carried out by an education providing organization has been achieved by reference to standards or benchmarks, respectively.

e) The qualification is the outcome of learning achieved through the attendance and completion of a vocational or university study program.

Art. 10

The education quality assurance refers to the following areas and criteria:

A. The institutional capacity resulting from the internal organization of the available infrastructure, defined by the following criteria:

a) institutional, administrative and managerial structures;

b) the equipment and assets and the optimization of the use of such;

- (On 14-Sep-2011 Article 10, point A., point B of Chapter II as amended by Article I, item 3 of the Emergency Ordinance 75/2011)

c) the human resources and capacity of the institution to attract human resources external to the institution and from abroad, according to the law;

- (On 14-Sep-2011 Article 10, item A, letter C of Chapter II as amended by Article I, item 3 of the Emergency Ordinance 75/2011)

B. Educational effectiveness, which consists in mobilizing resources in order to achieve the expected learning outcomes, entailing the following criteria:

a) the contents of the study programs;

b) learning outcomes;

c) employability;

- (On 14 Sep-2011 Article 10, item B, letter C of Chapter II as amended by Article I, item 4 of the Emergency Ordinance 75/2011)

d) the financial activity of the organization;

C. Quality management, resulting from the following criteria:

a) strategies and procedures for quality assurance;

b) procedures for initiating, monitoring and periodically reviewing the programs and activities carried out;

c) objective and transparent procedures for assessing learning outcomes, including by students;

- (On 14 Sep-2011 Art.10, item C, letter C of Chapter II as amended by Article I, item 5 of the Emergency Ordinance 75/2011)

d) procedures for periodical assessment of the quality of the teaching staff;

e) accessibility of adequate learning resources;

f) systematically updated database on internal quality assurance;

g) transparency of the information of public interest, including information regarding the study programs and, as the case may be, certificates, diplomas and qualifications supplied;

- (On 14-Sep-2011 Article 10, item C, letter G of Chapter II as amended by Article I, item 5 of the Emergency Ordinance 75/2011)

h) the operation of the education quality assurance structures, according to the law.

i) the accuracy of the reports provided by the laws in force.

- (On 14-Sep-2011 Art. 10, item C., letter H of Chapter II, supplemented by Art. I, item 6 of the Emergency Ordinance 75/2011)

CHAPTER III: Internal assurance of the education quality

Art. 11

(1) The Commission for assessing and assuring the quality is set up at the level of each education-providing organization in Romania.

(2) The education provider shall prepare and adopt the commission's strategy and rules of operation.

(2^1) The operational management of the commission is ensured by the manager of the organization or a coordinator appointed by the manager.

- (On 14-Sep-2011 Art.11, paragraph (2) of Chapter III, supplemented by Article I, item 7 of the Emergency Ordinance 75/2011)

(3) The organization manager is directly responsible for the quality of the education provided.

- (On 14-Sep-2011 Art.11, paragraph (3) of Chapter III as amended by Article I, item 8 of the Emergency Ordinance 75/2011)

(4) The membership of the Commission for quality assessment and assurance in secondary education institutions shall include:

a) 1-3 representatives of the teaching staff, elected by secret ballot by the teaching council;

b) a representative of the union, appointed by members;

c) a representative of the parents in the case of preschool, primary, secondary or upper secondary education;

d) a representative of students, in the case of vocational, upper secondary and post-secondary education;

e) a representative of the local council;

f) a representative of the national minorities, as the case may be, coming from the teaching staff, the representatives of parents or students.

(5) The Commission for quality assessment and assurance in higher education institutions shall include:

a) 1-3 representatives of the teaching staff meeting the criteria for obtaining the title of university lecturer, established by order of the minister of education, research, youth and sports, according to art. 219 para. (1) a) of the Law on national education no. 1/2011, elected by secret ballot by the university senate;

- (On 14-Sep-2011 Article 11, paragraph (5), letter A of Chapter III as amended by Article I, item 9 of the Emergency Ordinance 75/2011)

b) a representative of the union, appointed by members;

c) a representative of students appointed by the student organization.

(6) The Commission may also include a representative of the employers.

(7) The Commission may also include a representative of minorities among teachers or students.

(8) For any education providing organization other than an education institution, the Commission for the quality assessment and assurance includes the following categories:

a) 1-3 representatives of the supplier;

b) 1 -3 representatives of the direct beneficiaries;

c) 1-3 representatives of the employers.

(9) The members of the Commission cannot be appointed in management positions in the education institution or organization concerned, except for the person in charge with its operative management.

- (On 16-Apr-2006 Article 11 of Chapter III as amended by Article 1, item 9 of Law 87/2006)

Art. 12

The tasks of the Commission for quality assessment and assurance are:

a) to coordinate the implementation of the quality assessment and assurance procedures and activities approved by the management of the education provider, according to the scope and criteria provided in art. 10;

b) to annually develop an internal assessment report on the quality of education in the organization concerned. The report is communicated to all beneficiaries, by display or publication;

c) to develop proposals for improving the quality of education.

- (On 16-Apr-2006 Article 12 of Chapter III as amended by Article 1, item 10 of Law 87/2006)

CHAPTER IV: External assessment of the education quality

Art. 13

The external assessment of the quality of education includes:

a) assessing the institutional capacity of the education provider;

b) assessing the educational effectiveness of the education provider;

c) assessing the quality management at institution level;

d) assessing the quality of the study programs;

e) assessing the consistency between the internal assessment and the real situation;

f) inter-institutional comparative assessment of the same type of study program supplied by different education providers.

- (On 16-Apr-2006 Article 13, letter F of Chapter IV as amended by Article 1, item 11 of Law 87/2006)

Art. 14

(1) For the external assessment of the quality of education, by this Emergency Ordinance, the Romanian Agency for Quality Assurance in Higher Education, hereinafter referred to as ARACIS, and the Romanian Agency for Quality Assurance in Pre-University Education, hereinafter referred to as ARACIP shall be established.

- (On 09-Feb-2011 Article 14, paragraph (2) of Chapter IV repealed by Article 361, paragraph (2) of Title VII of Law 1/2011)

Art. 15

(1) ARACIS and ARACIP shall include in the organizational structure:

a) The Accreditation Department;

b) The External Quality Assessment Department.

- (On 16-Apr-2006 Article 15, paragraph (1), letter B of Chapter IV as amended by Article 1, item 13 of Law 87/2006)

2. For the assessment and accreditation of providers of continuous education and their programs, the national agencies may set up special departments.

Art. 16

(1) ARACIS is an autonomous public institution of national interest, a legal entity with own income and expenses budget.

(2) The ARACIS headquarters, organization chart and operating rules shall be established by the decision of ARACIS Council, within 60 days.

- (On 30-May-2011 Art. 16, paragraph (2) of Chapter IV as amended by Art. 1, item 1 of Law 69/2011)

Art. 17

(1) ARACIS has the following attributions in the field of accreditation:

a) to develop, on a regular basis, the methodology and accreditation standards for the different types of programs and higher education suppliers, endorsed by the Ministry of Education and Research and approved by Government Decision;

b) to assess based on standards and methodology approved by Government Decisions, upon request or of its own initiative, and to propose the authorization, respectively the accreditation of higher education providers and their study programs. On the basis of the accreditation reports, the Ministry of Education and Research elaborates the normative acts for the establishment of higher education structures.

(2) ARACIS has the following attributions in the field of quality assurance:

a) to develop and review regularly, based on good practices, the national benchmarks and performance indicators for quality assessment and assurance in higher education;

b) to cooperate with the Ministry of Education and Research and ARACIP in developing and promoting policies and strategies for increasing the quality of education in Romania;

c) to organize annual consultations with higher education institutions for establishing the quality assurance priorities;

d) to develop and publish own procedures for external assessment of the education quality;

e) to conclude service supply agreements with educational institutions in Romania and abroad for the external assessment of the quality of programs and providers of education programs specific to higher education, as well as for the interinstitutional assessment of similar programs;

- (On 16-Apr-2006 Article 17, paragraph (2), letter E of Chapter IV as amended by Article 1, item 15 of Law 87/2006)

f) to perform the assessment of the quality of higher education programs and institutions upon the request of the Ministry of Education and Research. The conditions for carrying out the assessment activity are set under the agreement;

- (On 16-Apr-2006 Article 17, paragraph (2), letter F of Chapter IV as amended by Article 1, item 15 of Law 87/2006)

g) to publish the results of external assessments;

h) to publish manuals, guides, papers summarizing the best practices in quality assessment and assurance;

- (On 16-Apr-2006 Article 17, paragraph (2), letter H of Chapter IV as amended by Article 1, item 15 of Law 87/2006)

i) to develop regularly, every 3 years, system analyses on the quality of higher education in Romania;

- (On 16-Apr-2006 Art. 17, paragraph (2), letter I of Chapter IV as amended by Article 1, item 15 of Law 87/2006)

j) to cooperate with similar agencies in other countries for developing and implementing effective measures to improve the quality of higher education programs;

k) to develop the Code of Professional Ethics applicable to ARACIS experts;

l) to annually publish a report on its own activity;

m) to develop, every 3 years, self-assessment reports on the quality of their own activity, in order to prepare the external assessment by similar agencies in other countries.

- (On 16-Apr-2006 Article 17, paragraph (2), letter M of Chapter IV as amended by Article 1, item 15 of Law 87/2006)

(3) ARACIS also exercises the powers conferred by the Law on National Education no. 1/2011, as subsequently amended and completed, and those expressly provided by the methodology for the activities carried out by the quality assurance agencies, in Romania or abroad, registered in the European Quality Assurance Register for Higher Education (EQAR) on the territory of Romania and adopted by order of the minister of national education and scientific research.

- (On 15-Dec-2016, Article 17, paragraph (3) of Chapter IV as amended by Article II, item 1 of the Emergency Ordinance 96/2016)

Art. 18

In performing its tasks, ARACIS has the following rights:

a) to use external collaborators from the country or abroad, based on agreements, experts in the field of activity of ARACIS, paid according to the law;

- (On 16-Apr-2006 Article 18, letter A of Chapter IV as amended by Article 1, item 16 of Law 87/2006)

b) to develop, based on a transparent methodology and using competence and competitiveness criteria, its own register of assessors, methodologically trained and assigned for external quality assessment missions;

c) to verify, at the end of the assessment mission, that the assessment methodology applied by the assessors is observed;

- (On 16-Apr-2006 Article 18, letter C of Chapter IV as amended by Article 1, item 16 of Law 87/2006)

d) to inform the assessed institution and the Ministry of Education, Research, Youth and Sports on the outcome of the external assessment.

- (On 14-Sep-2011 Article 18, letter D of Chapter IV as amended by Article I, item 11 of the Emergency Ordinance 75/2011)

Art. 19

- (On 14-Sep-2011 Art. 19, paragraph (1) of Chapter IV repealed by Article I, item 12 of the Emergency Ordinance 75/2011)
- (On 14-Sep-2011 Art. 19, paragraph (2) of Chapter IV repealed by Article I, item 12 of the Emergency Ordinance 75/2011)
- (On 14-Sep-2011 Art. 19, paragraph (3) of Chapter IV repealed by Article I, item 12 of the Emergency Ordinance 75/2011)
- (On 14-Sep-2011 Art. 19, paragraph (4) of Chapter IV repealed by Article I, item 12 of the Emergency Ordinance 75/2011)
- (On 14-Sep-2011 Art. 19, paragraph (5) of Chapter IV repealed by Article I, item 12 of the Emergency Ordinance 75/2011)
- (On 14-Sep-2011 Art. 19, paragraph (6) of Chapter IV repealed by Article I, item 12 of the Emergency Ordinance 75/2011)

(7) The duration of a membership of the ARACIS Council is of 4 years.

- (On 19-Dec-2012 Article 19, paragraph (7) of Chapter IV as amended by Article VII, item 1 of Chapter I of the Emergency Ordinance 92/2012)

(8) Every four years, the ARACIS Council is renewed by tendering, usually, 1/3 of the number of memberships in the ARACIS Council. The mandates shall be taken based on own procedures, according to art. 19^1 para. (5). The new council elects the president and vice president.

- (On 30-Dec-2014 Article 19, paragraph (8) of Chapter IV as amended by Article II, item 1 of the Emergency Ordinance 94/2014)

(9) At the meetings of the Interim Council, two representatives of the student associations participate as observers.

- (On 16-Apr-2006 Article 19 of Chapter IV as amended by Article 1, item 17 of Law 87/2006)

Art. 19^1

- (On 27-Apr-2015, Article 19 ^ 1 of Chapter IV, see Enforcement references of the Methodology of 2015)

(1) ARACIS is managed by a board of 21 members, out of which:

a) 17 are teaching staff with teaching positions in higher education, usually representing the area of university studies;

b) 2 students, representatives of the Romanian student federations, reconfirmed at the beginning of each academic year;

c) a representative of the employers' organization;

d) a representative of the union with the most members within higher education;

e) the representatives referred to at b) -d) are nominated based on a methodology approved by the ARACIS Council and published by Order of the Minister of Education and Scientific Research in the Official Gazette of Romania, Part I.

- (On 30-Dec-2014 Article 19 ^ 1, paragraph (1) of Chapter IV as amended by Article II, item 2 of the Emergency Ordinance 94/2014)

(2) ARACIS Council members are selected based on professional and moral authority criteria, on the basis of professional and scientific proficiency.

(3) The ARACIS Council is organized and operates independently of any ideological, political or religious interference.

(4) The ARACIS Council is managed by a president and a vice-president, elected by secret ballot of the majority of members.

(5) The members of the ARACIS Council shall be selected, following a tender, according to own procedure published prior to the commencement of the selection.

- (On 25-Jan-2013 Article 19 ^ 1, paragraph (5) of Chapter IV see enforcement references in the 2013 Procedure)
- (On 15-Dec-2014 Article 19 ^ 1, paragraph (5) of Chapter IV see enforcement references in the 2014 Procedure)
- (On 16-Nov-2015, Article 19 ^ 1, paragraph (5) of Chapter IV, see enforcement references in the Order 5751/2015)

(6) The members of the ARACIS Council are university professors or persons continuing the teaching activity with the approval of the University senate, as well as university lecturers, experienced in assuring the education quality.

(7) The ARACIS Council cannot include rectors during the exercise of the respective position. In case one member of the ARACIS Council becomes a rector, he/she then loses the mandate as a member of the ARACIS Council starting with the date of confirmation by order of the minister of education, research, youth and sports, according to the provisions of art. 211 paragraph (1) of the Law no. 1/2011, as subsequently amended and completed.

(8) The members of the council shall not be persons holding public offices during the exercise of the respective position. If a member of the ARACIS Council is appointed to a public position, he/she then loses the mandate as a member of the ARACIS Council from the date of appointment.

(8^1) A person may serve as a member of the ARACIS Council for two terms.

- (On 30-Dec-2013 Article 19 ^ 1, paragraph (8) of Chapter IV supplemented by Article III of the Emergency Ordinance 117/2013)

(9) The mandates of members of the ARACIS Council that become vacant shall be filled according to the procedure provided for in paragraph (5) for the remaining period of each vacant position.

(10) The expert assessors of ARACIS may be teachers or persons continuing their teaching activity with the approval of the university senate, lecturers or university professors with experience in assuring the education quality. Students and employers' representatives can also participate in the assessment committees.

(11) If the institution or study program under assessment has as employees one or more members of the ARACIS Council or spouses, relatives or affiliates up to the third degree, those members of the ARACIS Council shall not participate in the assessment procedures concerned.

(12) If the institution or study program under assessment has as employees one or more ARACIS members or spouses, relatives or affiliates up to the third degree, those ARACIS assessors shall not participate in the procedures related to the assessment .

- (On 19-Dec-2012 Article 19 ^ 1 of Chapter IV as amended by Article VII, item 2 of Chapter I of the Emergency Ordinance 92/2012)

Art. 20

In order to achieve its objectives, ARACIS takes over the assets, all rights and obligations, the logistics infrastructure, the technical staff and database of the National Council for the Higher Education Assessment and Accreditation. The attributions of the National Council for the Higher Education Evaluation and Accreditation are transferred to the Accreditation Department of ARACIS, within maximum 6 months from the date of entry into force of the law approving this Emergency Ordinance.

- (On 16-Apr-2006 Article 20 of Chapter IV as amended by Article 1, item 18 of Law 87/2006)

Art. 21

- (On 11-Dec-2006 Art. 21 of Chapter IV, see enforcement references in the Decision 1731/2006)

(1) ARACIS is financed entirely from own revenues.

- (On 18-Dec-2006 Art. 21, paragraph (1) of Chapter IV as amended by Art. 1, item 1 of the Emergency Ordinance 102/2006)

(2) ARACIS own revenues originate from:

a) revenues from agreements for supplying quality assessment services, concluded including with the Ministry of Education and Research;

b) fees for authorization and accreditation of higher education institutions according to study programs, proposed by ARACIS and approved by Government Decision;

c) fees for external assessment of quality established by ARACIS and approved by Government Decision;

d) non-reimbursable external funds, obtained through participation in international programs, donations, sponsorships, other legally established sources.

- (On 16-Apr-2006 Article 21 of Chapter IV as amended by Article 1, item 19 of Law 87/2006)

Art. 22

(1) ARACIS shall take all measures to register with the European Quality Assurance Register for Higher Education.

- (On 16-Apr-2006, Article 22, paragraph (1) of Chapter IV as amended by Article 1, item 20 of Law 87/2006)

(2) ARACIS shall periodically submit to the international accreditation procedures.

Art. 23

(1) The higher education institutions accredited in Romania have the right to request external assessment of quality either from ARACIS, or from another agency, national or international, registered with the European Quality Assurance Register for Higher Education

(2) If ARACIS is removed from the European Quality Assurance Register for Higher Education, it shall legally cease activity.

(3) Under para. (2) under this Emergency Ordinance, a new agency is being established for the higher education quality assurance.

- (On 16-Apr-2006, Article 23 of Chapter IV as amended by Article 1, item 21 of Law 87/2006)

Art. 24

(1) ARACIP is a public institution of national interest, subordinated to the Ministry of Education and Research, legal entity and with own income and expenses budget.

- (On 16-Apr-2006 Article 24, paragraph (1) of Chapter IV as amended by Article 1, item 22 of Law 87/2006)

(2) The ARACIP headquarters, organizational structure and operating rules shall be established by Government Decision.

- (On 16-Apr-2006 Article 24, paragraph (2) of Chapter IV as amended by Article 1, item 22 of Law 87/2006)

(3) ARACIP has the following attributions:

a) to regularly develop, update and propose to the Minister of Education and Research the standards, benchmarks and performance indicators for quality assessment and assurance in secondary education, approved by Government Decision;

- (On 16-Apr-2006 Article 24, paragraph (3), letter A of Chapter IV as amended by Article 1, item 23 of Law 87/2006)

b) to prepare and propose to the Minister of Education and Research the methodology of institutional assessment and accreditation, which is approved by Government Decision;

- (On 16-Apr-2006 Article 24, paragraph (3), letter B of Chapter IV as amended by Article 1, item 23 of Law 87/2006)

c) to perform the assessment and accreditation of the providers of education in secondary education;

d) to propose to the Minister of Education and Research the establishment and accreditation of secondary education institutions, for each level of education, study program and professional qualification, as the case may be. The establishment and accreditation are carried out through the Order of the Minister of Education and Research;

- (On 16-Apr-2006 Article 24, paragraph (3), letter D of Chapter IV as amended by Article 1, item 23 of Law 87/2006)

e) to perform, on a contractual basis, upon the request of the Minister of Education and Research, the assessment of the quality of education in secondary education;

- (On 16-Apr-2006 Article 24, paragraph (3), letter E of Chapter IV as amended by Article 1, item 23 of Law 87/2006)

f) to propose to the Minister of Education and Research the accreditation of organizations providing vocational training programs;

- (On 16-Apr-2006 Article 24, paragraph (3), letter F of Chapter IV as amended by Article 1, item 23 of Law 87/2006)

g) to carry out, together with the school inspectorates and the relevant departments within the Ministry of Education and Research, the quality monitoring and quality control activity;

h) to carry out, at least once every three years, the assessment of accredited education providers;

- (On 16-Apr-2006 Article 24, paragraph (3), letter H of Chapter IV as amended by Article 1, item 23 of Law 87/2006)

i) to publish the results of external assessments;

j) to prepare internal quality assessment manuals, differentiated according to art. 8 para. (3), and to submit them for approval by order of the Minister of Education and Research;

k) to develop best practice guides;

l) to publish an annual report on its own activity;

m) to periodically elaborate, at least every four years, system analyses on the quality of secondary education in Romania;

n) to develop recommendations for improving the quality of secondary education;

- (On 16-Apr-2006 Article 24, paragraph (3), letter N of Chapter IV as amended by Article 1, item 23 of Law 87/2006)

o) to develop the Code of Professional Ethics for Assessment and Accreditation Experts.

(4) In fulfilling its attributions, ARACIP has the right to use external collaborators from the country or abroad, employees under agreement of employment, experts in the field of activity of the agency, registered in own register of evaluation and accreditation experts.

- (On 16-Apr-2006 Article 24, paragraph (4) of Chapter IV as amended by Article 1, item 24 of Law 87/2006)

(5) ARACIP has its own staff made up of experts and administrative personnel, employed through open competition. The own staff, composed of experts, will also include a representative of education in the languages of the national minorities.

- (On 16-Apr-2006 Article 24, paragraph (5) of Chapter IV as amended by Article 1, item 24 of Law 87/2006)

(6) Persons currently holding a public office cannot be employed by ARACIP.

Art. 25

In order to achieve its objectives, ARACIP takes over the assets, all rights and obligations, the logistics infrastructure, the personnel and database of the National Commission for Assessment and Accreditation of Secondary Education. The functions of the National Commission for Assessment and Accreditation of Secondary Education are transferred to the Department of Accreditation of ARACIP, within maximum 6 months from the date of entry into force of the law approving this Emergency Ordinance.

- (On 16-Apr-2006 Article 25 of Chapter IV as amended by Article 1, item 25 of Law 87/2006)

Art. 26

(1) The Ministry of Education and Research, through its structures, is responsible for the control and implementation of the measures related to quality assurance and improvement recommended by ARACIP.

(2) The quality control in secondary education shall be exercised through school inspectorates and the relevant departments from the Ministry of Education and Research, based on specific methodologies, approved by order of the Minister of Education and Research.

Art. 27

(1) ARACIP funding shall be from own revenues and subsidies from the state budget granted through the budget of the Ministry of Education, Research, Youth and Sports.

- (On 14-Sep-2011 Art. 27, paragraph (1) of Chapter IV as amended by Article I, item 15 of the Emergency Ordinance 75/2011)

(2) The ARACIP's own revenues result from:

a) Income as a result of agreements concluded with the Ministry of Education and Research for the assessment of the quality of education in secondary education;

b) collection of regular authorization, accreditation and assessment fees, approved by Government Decision;

- (On 16-Apr-2006 Art.27, paragraph (2), letter B of Chapter IV as amended by Article 1, item 26 of Law 87/2006)

c) non-reimbursable external funds obtained through participation in international programs;

d) donations, sponsorships, other legally constituted sources.

- (On 16-Apr-2006 Art. 27, paragraph (2), letter D of Chapter IV as amended by Article 1, item 26 of Law 87/2006)

Art. 28

ARACIS and ARACIP shall meet twice a year to harmonize their policies and strategies implemented in the field of quality assessment and assurance in education.

- (On April 16, 2006 Article 28 of Chapter IV as amended by Article 1, item 27 of Law 87/2006)

CHAPTER V: Accreditation of education providers and study programs

Art. 29

(1) Any legal person, public or private, interested in the provision of education shall be subject to the process of assessment and accreditation, according to the law.

(2) In secondary education the assessment and accreditation shall be carried out at the level of the institutional structures for each level of education, each type of study programs and professional qualification, as the case may be.

(3) In higher education, the assessment and accreditation shall be carried out at the level of the institutional structures for each bachelor program leading to a distinct university qualification. Programs specific to master and doctoral studies are subject to external assessment for accreditation.

(4) The accreditation involves two successive stages:

a) the provisional operating permit, which gives the right to carry out the educational process and to organize, as appropriate, the admittance examinations;

b) the accreditation, which grants, along with the rights stipulated at point a), the right to issue diplomas, certificates and other study papers recognized by the Ministry of Education and Research and to organize, as the case may be, graduation, bachelor, master, doctoral examinations.

(5) The external assessment for accreditation shall be triggered upon the request of the education provider willing to provide one or more initial or continuous education programs, based on a set of standards related to the fields and criteria provided in art. 10.

(5^1) Educational providers meeting the conditions of institutional accreditation will submit a file for the initiation of the institutional accreditation procedure at the latest in the academic year immediately following the fulfillment of these conditions. The education providers failing to meet this deadline will go into liquidation.

- (On 15-Dec-2016, Article 29, paragraph (5) of Chapter V, supplemented by Article II, item 2 of the Emergency Ordinance 96/2016)

(6) The national standards specific to each stage of accreditation, differentiated according to art. 8 para. (3), the external assessment methodologies, the schedule for the accreditation process, as well as the fees charged for authorization and accreditation shall be established on a regular basis, upon the proposal of the quality assurance agencies and of the Ministry of Education and Research, by Government Decision.

- (On 16-Apr-2006 Article 29 of Chapter V as amended by Article 1, item 28 of Law 87/2006)

Art. 30

The procedure for the provisional operating permit includes the following activities:

a) the education provider prepares an internal assessment report, based on the provisions of art. 10, for each level of education, type of study program and qualification;

- (On 16-Apr-2006 Article 30, letter A of Chapter V as amended by Article 1, item 29 of Law 87/2006)

b) the internal assessment report shall be submitted to the accreditation department of the quality assurance agency together with the application to initiate the external assessment procedure and the provisional operating permit;

c) the accreditation department appoints an assessment and accreditation expert commission to analyze the internal assessment report, to verify through field inspections at the applicant institution the fulfillment of the standards on the domains and the criteria stipulated in art. 10 and to develop its own assessment report;

d) the accreditation department of the quality assurance agency validates the experts' report by verifying the compliance with the external assessment methodology and the agency proposes to the Ministry of Education and Research to grant or, as the case may be, not to grant the provisional operating permit;

e) for the providers of secondary education, the provisional operating permit is granted on the basis of the favorable opinion of ARACIP, by order of the minister of education and research;

- (On 16-Apr-2006 Art. 30, letter E of Chapter V as amended by Article 1, item 29 of Law 87/2006)

f) for the providers of higher education, the provisional operating permit is granted on the basis of the favorable opinion of ARACIS and of the Ministry of Education and Research, by Government Decision.

- (On 16-Apr-2006 Art. 30, letter F of Chapter V as amended by Article 1, item 29 of Law 87/2006)

Art. 31

The accreditation procedure includes the following activities:

a) the education provider authorized to operate provisionally prepares an internal assessment report, using as terms of reference the standards specific to the accreditation stage;

- (On 16-Apr-2006 Article 31, letter A of Chapter V as amended by Article 1, item 30 of Law 87/2006)

b) the internal assessment report shall be submitted to the accreditation department of the quality assurance agency together with the application to initiate the external assessment and accreditation procedure;

c) the deadline for submitting the application for accreditation is of 2 years from the date of the first graduation, under the sanction of withdrawing the provisional operating permit by the Ministry of Education, Research, Youth and Sports;

- (On 14-Sep-2011 Art. 31, letter C of Chapter V as amended by Art. I, item 16 of the Emergency Ordinance 75/2011)

d) the accreditation department appoints an assessment and accreditation expert commission to analyze the internal assessment report, to verify through field inspections at the applicant institution the fulfillment of the standards on the fields and criteria stipulated in art. 10 and to develop its own assessment report;

e) the accreditation department of the quality assurance agency validates the experts' report by verifying compliance with the external assessment methodology and the Agency proposes to the Ministry of Education and Research the accreditation or, if necessary, the non-accreditation of the applicant institution;

f) for providers of secondary education, their accreditation is granted by Order of the Minister of Education and Research, based on the ARACIP opinion;

- (On 16-Apr-2006 Article 31, letter F of Chapter V as amended by Article 1, item 30 of Law 87/2006)

g) for providers of higher education, the accreditation of institutions shall take the form of a law, promoted by the Government, upon the initiative of the Ministry of Education and Research, based on the opinion of ARACIS.

- (On 16-Apr-2006 Art. 31, letter G of Chapter V as amended by Article 1, item 30 of Law 87/2006)

Art. 32

(1) The education provider that received the provisional operating permit has the right to manage teaching, the non-teaching and research staff, according to their own development strategy, and to participate in national and international programs, under the law.

(2) The accredited education provider is part of the national education system, with all rights and obligations provided by law.

- (On 16-Apr-2006 Article 32 of Chapter V as amended by Article 1, item 31 of Law 87/2006)

Art. 33

(1) After obtaining the provisional operating permit, the education provider shall implement the mechanism of internal quality assurance and shall prepare the internal assessment reports on the quality of education, which are sent each year to ARACIP or ARACIS, as the case may be.

(2) After receiving the accreditation, the annual internal assessment reports shall be sent to ARACIP, respectively ARACIS, upon the agency's request or at the education provider's own initiative when applying for a new external assessment.

(3) The accredited education provider and its study programs shall be subjected from 5 to 5 years to the external assessment of ARACIP, respectively ARACIS, or of another domestic or international agency, based on agreements.

- (On 16-Apr-2006 Article 33 of Chapter V as amended by Article 1, item 32 of Law 87/2006)

Art. 34

(1) In case ARACIP, respectively ARACIS or another quality assurance agency, from Romania or abroad, registered with the European Quality Assurance Register for Higher Education (EQAR), ascertains that the quality standards are not met, they shall inform the Ministry of Education, Research, Youth and Sports within 5 working days, and the Ministry shall warn the education provider.

(2) Within one year from the issuance of the report indicating the failure to meet the quality standards at the level of bachelor /master programs, the education provider applies for a new assessment from the quality assurance agency that carried out the previous assessment. Otherwise, the report prepared under the conditions of para. (1) is definitive. Additional assessment costs are borne by the education provider.

- (On 15-Dec-2016, Article 34, paragraph 2 of Chapter V as amended by Article II, item 3 of the Emergency Ordinance 96/2016)

(3) Following the procedures provided in paragraph (1) and (2), in the event of failure to meet the quality standards, the Ministry of Education, Research, Youth and Sports shall order:

a) the cessation of the enrollment of students in the respective study program and the cessation of the education under the respective study program of the academic year following the date of the final report provided in para. (1) and (2). The education provider has the obligation to continue the education of the students enrolled in the university years prior to the issuance of the final report provided in para. (1) and (2);

b) to initiate a Government decision to close the respective study program.

- (On 14-Sep-2011 Article 34 of Chapter V as amended by Article I, point 17 of Emergency Ordinance 75/2011)

(4) Within two years from the issuance of the report ascertaining that the quality standards are not met at the level of an institutional assessment, the education provider shall apply for a new assessment from the quality assurance agency that carried out the previous assessment.

(5) The educational providers who fail to meet the quality standards during two consecutive institutional assessments will go into liquidation.

- (On 15-Dec-2016, Article 34, paragraph (3) of Chapter V, supplemented by Article II, item 4 of the Emergency Ordinance 96/2016)

Art. 35

(1) Only higher education institutions accredited or authorized to operate provisionally may pursue higher education activities and may use “university” or similar names.

(2) The performance of secondary and higher education activities, as well as the issuance of study papers in conditions other than those set forth in this Emergency Ordinance trigger the civil, contravention or criminal liability, as the case may be.

(3) The criminal investigation bodies shall be seized by the Ministry of Education and Research or by any other natural or legal person, on the operation of any respective institution that breached upon their rights in the course of its activity.

- (On 16-Apr-2006 Article 35 of Chapter V as amended by Article 1, item 34 of Law 87/2006)

CHAPTER VI: Transitional and final provisions

Art. 36

(1) The educational organizations shall experimentally apply the internal quality assessment mechanisms provided for by this Emergency Ordinance, starting with the second semester of the school year 2005-2006, respectively of the academic year 2006-2007.

(2) In the school or academic year of 2006-2007, ARACIP and ARACIS shall experimentally apply the external assessment procedures for quality assurance. Until September 1, 2007, ARACIP and ARACIS shall prepare a detailed report on the results of the assessment.

- (On 28-Jul-2007 Art. 36 of Chapter VI as amended by the Act of Law 240/2007)

Art. 37

(1) The provisions of Law no. 88/1993 on the accreditation of the higher education institutions and the

recognition of diplomas, republished, as well as those of the Government Ordinance no. 87/1998 on the

secondary education assessment and accreditation, approved with amendments and completions by Law no. 196/1999 by the National Council for Assessment and Accreditation of Higher Education and, respectively, the National Commission for Assessment and Accreditation of Secondary Education shall apply to those secondary and higher education institutions that are in the process of obtaining either the

provisional operating permit or the accreditation at the date of the enforcement of the Law for approving this Government Emergency Ordinance; these provisions shall apply until the completion of process but no later than 6 months since the date of the entry into force of the Law for approving this Government Emergency Ordinance.

2. The interested organizations may submit new applications for provisional operating permits or accreditation only 6 months after the entry into force of the law approving this Emergency Ordinance.

- (On 16-Apr-2006 Article 37 of Chapter VI as amended by Article 1, item 36 of Law 87/2006)

Art. 38

- (On 01-Nov-2005 Article 38 of Chapter VI see enforcement references in the 2005 Regulation)
- (On 01-Nov-2005 Article 38 of Chapter VI see enforcement references in the 2005 Regulation)

Within 30 days after the entry into force of this Emergency Ordinance, the organization chart and operating rules of ARACIP and ARACIP will be subject to approval by Government Decision.

- (On 16-Apr-2006 Article 38 of Chapter VI as amended by Article 1, item 37 of Law 87/2006)

Art. 39

The Law no. 88/1993 on the accreditation of the higher education institutions and the recognition of diplomas, republished, the Government Ordinance no. 87/1998 on the secondary education assessment and accreditation, approved with amendments and completions by Law no. 196/1999, articles 18 para. (3), article 23 para. (2), article 56 para. (1), article 106 para. (2), article 107, article 113 and article 148 para. (1) of the Law on Education no. 84/1995, republished, with its subsequent amendments and completions, as well as any other legal provisions to the contrary shall be repealed 3 months after the entry into force of this Government Emergency Ordinance.

Art. 40

All educational institutions and units legally operating on the date of entry into force of this Emergency Ordinance shall preserve their statute and shall be subject to the provisions of this Emergency Ordinance.

- (On 16-Apr-2006 Article 40 of Chapter VI as amended by Article 1, item 38 of Law 87/2006)

- **** -

PRIME MINISTER

CĂLIN POPESCU-TĂRICEANU

Countersigned by:

Minister of Education and Research,

Mircea Miclea

Minister of Labor, Social Solidarity and Family,

Gheorghe Barbu

Minister of Public Finance,

Ionel Popescu

Published in the Official Gazette No. 642 of July 20, 2005.

Annex 1. 2 - Law of National Education no. 1/2011, with subsequent amendments and completions (includes other legal provisions on quality assurance and ARACIS activity)

Law 1/2011 – consolidated form at 2017-08-10

TITLE III: Higher Education

CHAPTER I: General Provisions

Article 114

1. This chapter regulates the structure, positions, organization and operation of the higher education in Romania.
2. The higher education is ensured by universities, academies, institutes, higher education schools, and other such, hereinafter referred to as higher education institutions or universities.
3. Higher education institutions are education providers that carry out educational activities based on study programmes (authorised and, as applicable, accredited as required by law) of university-level initial and continuous education and training, programmes that operate based on the principle of ensuring the quality necessary to meet the trust of the direct and indirect beneficiaries form the society.
4. Higher education institutions may be public or private, or religious. They are juristic persons, not-for profit and apolitical organisations.
5. Higher education institutions are juristic persons of public or private law of public utility.

>*(on 30-Jun-2014 Article 114 of Title III, Chapter I amended by Article I, Point 34. of Expeditious Ordinance 49/2014)*

Article 115

1. The higher education may be provided only in higher education institutions that have obtained, according to law, a provisory operation authorization or the accreditation.
2. The documents proving the graduation of the studies, issued in Romania, are recognized by the state only if they are issued according to the legal provisions in force, by accredited higher education institutions.

Article 116

1. The national higher education system includes all the accredited higher education institutions. According to the legal procedures in force, a higher education institution authorized to temporarily operate becomes a member of the national higher education system only after accreditation.
2. The higher education institutions abroad, legally recognized as such, in the state of origin, may only organize branches on the Romanian territory, individually or by concluding partnerships with accredited Romanian higher education institutions, in compliance with the law in force on the authorization, accreditation, and on the study programme quality assurance.
3. The Romanian higher education institutions may organize, in Romania or in other states, educational programs together with higher education institutions abroad, recognized as such by the state of origin. If such programmes are organized abroad, they must observe the legal regulations in force in Romania and in the states in question.

Article 117

The mission of the higher education is to generate and transfer knowledge to the society:

(a) by basic and continuous training at academic level, for personal development, professional insertion and in order to satisfy the need for competency of the socioeconomic environment;

(b) by scientific research, innovation and technologic transfer, collective and individual creation, in the field of science and engineering, arts, literature and languages, by ensuring the sports and physical development and performance, as well as by putting to good use and disseminating their results.

Article 118

1. The national higher educational system is based on the following principles:
   a) the principle of university autonomy;
   b) the principle of academic freedom;
   c) the principle of public responsibility;
   d) the principle of quality assurance;
   e) the principle of equity;
   f) the principle of managerial and financial efficiency;
   g) the principle of transparency;
   h) the principle of observing the students and academic staff's rights and freedoms;
   i) the principle of independent ideologies, religions and political doctrines;
   j) the principle of freedom of national and international mobility for students, researchers and teaching staff;
   k) the principle of consulting the social, partners in making decisions;
   l) the student-oriented education principle.
2. No age, nationality, ethical, gender, social origin, political or religious, sexual orientation or other types of discrimination are allowed in the higher education, except for those provided by law.
3. Students with physical disabilities are entitled to access ways adapted to their condition in all the academic spaces, as well as to adequate conditions for carrying out normal academic, social and cultural activities, in higher education institutions.
4. In the higher education, there are and may be organized theology faculties, in compliance with the provisions of Art. 15 and theological research institutes in harmony with the international ecumenical and irenic perspectives and in compliance with the legal provisions.

Article 119

1. The education in the higher education system is free of charge, in the limit of the positions allocated each year by the Government, the rest of the positions being available by paying the tuition. The amount of the respective tax is set by the University Senate, in compliance with the law.
2. In the private higher education institutions, a tuition tax is charged. The amount of the respective tax is set by the Board of Directors, in compliance with the law
3. The higher education institutions have autonomy in deciding the quantum of the tuition taxes have the obligation to inform all the interested people on this subject, including on the university site.
4. Based on the university autonomy principle, public higher education institutions are entitled to determine and cash in the tuitions fees for enrolled students who have previously completed a university programme in the same cycle of university studies funded fro the state budget.

> *(on 30-Jun-2014 Article 119, Paragraph (3) of Title III, Chapter I supplemented by Article I, Point 35. of Expeditious Ordinance 49/2014)*

Article 120

1. The qualifications obtained by the graduates of the educational programs are certified by diplomas, certificates and other documents issued only by accredited higher education institutions.
2. The diplomas corresponding to the university study programmes are official documents and may only be issued by accredited institutions, for the forms of studies and programmes that are accredited or temporarily authorized. In the latter case, in the institution that issues the diploma, there must be another accredited specialty in an area related to the authorized specialty.

> *(on 01 -Feb-2014 Article 120, Paragraph (2) of Title III, Chapter I amended by Article 224, Point 3. of Title II of Law 187/2012)*

Article 121

The Ministry of Education, Research, Youth, and Sports is a state authority and is qualified to follow up and control the enforcement and observance of the legal regulations in the field of higher education and, if necessary, to apply sanctions. Also, the Ministry of Education, Research, Youth, and Sports controls the way in which the universities exercise their university autonomy and their public responsibility and assume the general mission and their own mission.

Article 122

1. The higher education institutions have their own assets and manage them according to the law.
2. Public and private higher educational institutions are established in compliance with the law, and with the legal provisions on the accreditation, by virtue of Government Emergency Ordinance no. 75/2005 on quality assurance in education, approved with amendments by Law no. 87/2006.
3. The Government has the initiative of establishing public higher educational institutions. The private or religious higher education institutions are founded at the initiative and with financial and physical resources of private individuals, groups of private individuals, foundations, associations, religious sects, or other education providers, acknowledged as such, in compliance with this law, referred to as founder.

>*(on 30-Jun-2014 Article 122, Paragraph (3) of Title III, Chapter I amended by Article I, Point 36. of Expeditious Ordinance 49/2014)*

4. The private individuals or groups of private individuals and juristic persons that had the initiative of establishing a higher education institution that was accredited maintain their capacity as founders.

>*(on 30-Jun-2014 Article 122, Paragraph (3) of Title III, Chapter I supplemented by Article I, Point 37. of Expeditious Ordinance 49/2014)*

Article 123

1. University autonomy is guaranteed by the Constitution. Academic freedom is guaranteed by law The higher education institutions are organized and operated independent of any ideological, political or religious interference.
2. The university autonomy gives the right to the academic community to establish its own mission, institutional strategy, structure, activities, organization and operation, and to manage their own material and human resources in strict compliance with the legislation in force.
3. The fundamental aspects of the university autonomy are expressed in the university charter, approved by the university's senate, in strict compliance with the legislation in force.
4. The university autonomy is exercised only with the condition of assuming public responsibility.
5. In higher education institutions the freedom of research is ensured in terms of setting the subjects, choosing the methods and procedures and capitalizing results, in compliance with the law.
6. In higher education institutions it is forbidden to endanger the right to free expression of scientific and artistic opinions in any way.
7. Students' right to choose courses and specialties freely is guaranteed, in compliance with the legal provisions and with the schooling plans.
8. The management structures and positions of the private and religious universities, the responsibilities, the manner of establishment as well as other considerations related to their status are set in compliance with the provisions of this law, with the approval of the founders upon their consultation and with the approval of the university's Senate.

Article 124

1. The public responsibility obligates any public or private higher education institution:
    a) to observe the legislation in force, its own charter and the national and European policies in the field of higher education;
    b) apply and observe the regulations in force regarding quality assurance in the higher education;
    c) to observe the policies regarding academic equity and ethics, included in the code of ethics and professional deontology approved by the university's Senate;

d) to ensure managerial and the efficiency in using the resources, in the case of public universities, and in spending funds from public sources, in compliance with the institutional contract;

e) to ensure transparency for all its decisions and activities, according to the legislation in force;

f) to observe the academic freedom of the teaching, non-teaching and research staff, as well as the students' rights and freedoms.

2. In the case of religious universities, the public responsibility is extended to observing the status and the dogmatic and canonical provisions specific to the respective sect

Article 125

1. If the obligations provided in Art. 124 are not observed, the Ministry of Education, Research, Youth, and Sports notifies the university's Senate within 30 days from the day when the offence was found. If within 3 months from such notification, the university continues not to observe the obligations provided at Art. 124, the Ministry of Education, Research, Youth, and Sports applies, within maximum 6 months from the initial notification of the university's Senate, one or several of the following measures:

a) the revocation of the rector, based on the proposal of the University Ethics and Management Council, upon consultation with the university's Senate. Within maximum 5 days from the rector's revocation, the Senate has the obligation to appoint a pro-rector who represents the university and becomes the budget manager until the confirmation of a new rector by the Minister of Education, Research, Youth, and Sports. Within 3 months from the rector's revocation, university's Senate finalizes the procedures for the appointment of a new rector, in compliance with the legal provisions in force, and submits for confirmation with the Ministry of Education, Research, Youth, and Sports the name of the new Rector;

>*(on 30-Dec-2013 Article 125, Paragraph (1), Letter B. of Title III, Chapter I abrogated by Article I, Point 23. of Expeditious Ordinance 117/2013)*

b) proposes to the Government the initiation of a law bill for the reorganization or dissolution of the higher education institution in question.

2. The failure to fulfil the obligations provided in Art. 124 is found by the University Ethics and Management Council, including 11 members as follows: 3 representatives appointed by the National Council or Rectors, 3 representatives of the Ministry of Education, Research, Youth, and Sports, appointed by the Minister of Education, Research, Youth, and Sports, on representative appointed by the Romanian Agency for Quality Assurance in Higher Education, hereinafter referred to as ARACIS, the National Council for the Financing of Higher Education hereinafter referred to as CNFIS, the National Council For Scientific Research CNCS, the National Council for the Attestation of Academic Titles, University Diplomas and Certificates, hereinafter referred to as CNATDCU, and a representative of the national students' federations.

3. Any natural person or physical entity can notify the University Ethics and Management Council concerning the failure to fulfil the obligations stipulated in Art. 124. Following the reception of such a notification, the University Ethics and Management Council has the obligation to investigate the notified aspects and to answer within three months. The answers to such notifications constitute public documents and are posted on the website of the Ministry of Education, Research, Youth, and Sports.

4. The observance by higher educational institutions of the obligations stipulated in Art. 124 and of other obligations related to public responsibility, as well as the observance by the University Ethics and Management Council of the obligations provided at paragraph (3) constitutes a public legitimate interest for any Romanian natural person or physical entity. Failure to observe such obligations can be appealed before an administrative court by any Romanian natural person or physical entity, in compliance with the law.

Article 126

1. The academic premises is made of all the buildings, land, experimental teaching stations, research institutes, farms, botanical gardens, academic houses, academic campuses, university hospitals and clinics related endowments, used by the higher education institution, irrespective of the legal title under which this is entitled to use them.

2. Exception to the provisions of paragraph (1) are the afferent premises and endowments belonging to the Ministry of Health, to the ministries and institutions with their own sanitary network where the higher medical education takes place, as well as the premises that belong to the sects in which religious education is performed, as well as the premises that belong to the

Ministry of Defence and to the Ministry of Administration and Internal Affairs, and to the Romanian Intelligence Service, where specialized education takes place.

3. The university premises are intangible. The access to the university premises is allowed only in the conditions provided by law and by the university charter.

Article 127

1. The academic community is made of students, teaching and research staff auxiliary teaching and research staff.
2. Belonging to the academic community are also people who were awarded the quality of members of the academic community by a decision of the university's Senate.
3. The members of the academic community have the rights and obligations set out in the legal regulations in force and in the university charter.

Article 128

1. The university charter present and reflect the major options of the academic community and are applied in all university premises.
2. The university charter must expressly refer to, as a minimum:
    a) the methods to appoint and revoke the terms of office of the university management persons or of those who are part of the university management bodies and structures, compliance with the legislation in force;
    b) the university code of ethics and professional conduct;
    c) the way in which the university's resources are managed and protected;
    d) the conditions for the creation of the university's own funds and for their use and the independent decision regarding their purpose and the conditions for their use;
    e) the conditions in which contracts with public institutions and other economic entities may be concluded for the purpose of fundamental and practical research programs or in order to raise the qualification level of the specialists with higher education studies;
    f) the conditions in which the university may associate with other higher education institutions or other organizations in order to fulfil its mission;
    g) the ways in which elements afferent to the material basis can be built, owned and used, elements necessary for education and scientific research;
    h) the way in which the international cooperation actions take place, the conclusion of contracts and the participation to European and international organizations;
    i) the collaboration between the management structures of the universities and the trade unions, of the teaching, research, technical and administrative staff and also with the legal students' organizations;
    j) any other aspects considered relevant by the university Senate, which correspond to the legislation in force.
3. The Charter is drafted and adopted by the university Senate, only after being debated with the academic community.
4. The university Charter cannot withstand the provisions of the legislation in force. If the content of the Charter is contrary to the legal provisions, the Charter is considered null.
5. The university Charter may only be adopted through a positive resolution of the Ministry of Education, Research, Youth, and Sports concerning the approval of the legality. The resolution concerning the approval of the legality is issued by the Ministry of Education, Research, Youth, and Sports within maximum 30 days from the date of the request made by the higher education institution.
6. If the period provided in paragraph (5) is not observed, the university Charter is deemed as approved in compliance with the tacit approval procedure.

Article 129

1. The higher education institutions may establish, independently or by association, companies, foundations, associations and pre-university education establishments with the approval of the university's senate, in compliance with the applicable

regulations. The condition for their foundation is for such entities to contribute to the increase of the institution's performance and must not negatively affect in any way the education, research or consulting activities.

(on 30-Jun-2014 Article 129, Paragraph (1) of Title III, Chapter I amended by Article I, Point 38. of Expeditious Ordinance 49/2014)

2. The higher education institutions may form consortia, including with the research-development units, based on a partnership agreement, according to the legislation in force.
3. When trading companies, foundations or associations are established, the public higher educational institution may only contribute with money, patents and other industrial property rights. The university may grant by contract the right to manage and use the assets belonging to the trading companies or associations in which it owns shares, of those of the foundations established by it, with the approval of the university's Senate. The right to use and manage public property goods may not represent a contribution of the university to the share contribution of the trading company, foundation or association.

Article 130

1. The higher education institutions shall adopt a code of ethics and academic professional deontology. This is a part of the university charter and must include:
    a) setting the situations of conflicts of interests and incompatibilities;
    b) the provision that the persons who are spouses, in laws, and relatives including third degree relatives, may not hold, at the same time, positions, in such a was as to find themselves in a control, management, authority or institutional assessment position in relation to the other, at any level in the same university, and may not be appointed in PhD evaluation commissions, assessment commissions or competition commissions whose decisions affect the husbands, in-laws and relatives including third degree ones;
    c) the educational, administrative and technical measures taken in order to provide for the originality of the graduation, master degree, and PhD papers, scientific articles or other such papers, as well as the related penalties.
2. The Rector of the university has the obligation present a report on the university's status, on an annual basis, no later than in the first working day of the month of April of each year. The report is published on the site of the university and is sent to all the stakeholders. Such report includes at least:
    a) the financial situation of the universities, on financing sources and types of expenses;
    b) the situation of each study programme;
    c) the situation of the university's staff;
    d) the results of the research activities;
    e) the situation of the quality of the activities performed in universities;
    f) the situation of the observance of the academic ethics and of the ethics of the research activity;
    g) the situation of the vacancies;
    h) the situation of the professional insertion of the graduates from previous promotions.
3. The annual report is a component of public responsibility and a fundamental condition in order to access funding from the state budget.

CHAPTER II: Organizational Structure of Higher Education Institutions

Article 131

1. For the organization and operation of the activities assumed in the mission, any higher education institution may comprise the following organizational components: faculties, departments, institutes, centre or laboratories, design facilities, consultancy centres, university clinics, artistic studios and workshops, theatres, museums, centres for continuous learning of the human resources, services and micro-production facilities, experimental stations, and other entities for production and know-how and technologic transfer. Technical and administrative services also operate in the structure of higher educational institutions.

2. The higher education institution may found, for a definite , period of time and by project, independent research units in terms of budget of incomes and expenditures, having their own autonomy and statutes, approved by the senate.

3. The components mentioned under paragraphs (1) and (2) are organized by each higher education institution, so that the institution accomplishes its mission, ensures the quality standards and criteria and efficiently manages the education, research, production and know-how and technological transfer activities and to provide adequate administrative support to the members of the university community.

Article 132

1. The faculty is the functional unit that drafts and manages the educational programs. The faculty corresponds to one or several fields of sciences, arts or sports.

2. Any faculty is founded, organized, divided, merged or dissolved at the proposal and with the approval of the institution's Senate, by a decision of the Government concerning the structure of higher education institutions, initiated by the Ministry of Education, Research, Youth, and Sports on an yearly basis.

3. In a public higher education institution, the Government, upon consulting the university's Senate, may found and finance an education program or a faculty with the educational programs meeting the immediate needs for training and professional qualification in the fields of national interest. These educational programs are subject to the legal regulations in force regarding quality assurance in the higher education system.

4. A faculty may include one or more departments, postgraduate schools and university extensions that are in charge of the organization of educational programs by academic education types and cycles.

► (*on 30-Dec-2013 Article 132, Paragraph (5) of Title III, Chapter II abrogated by Article I, Point 24. of Expeditious Ordinance 117/2013)*

Article 133

1. The department is the operational academic unit that ensures the generation, transfer and capitalization of knowledge in one or more fields.

2. A department may include research centres or laboratories, artistic workshops, postgraduate schools, and university extensions.

3. The department is founded, organized, divided, merged or dissolved by a university Senate decision, at the proposal of the Professors' Council of the faculty/faculties in which they operate.

4. The department may organize research centres and laboratories that operate as income and expenditure units within the university.

Article 134

The establishment of institutes, experimental stations, centres and laboratories are approved by the university's Senate in compliance with the legislation in force.

Article 135

1. The higher education for national minorities takes place:

    a) in higher education institutions where faculties/lines/educational programs with tuition in the mother tongue operate;

    b) in multicultural and multilingual higher education institutions; in this case, sections/lines with tuition in the language of the national minorities will be established;

    c) in higher education institutions, groups, sections or lines with tuition in the languages of the minorities may be organized, in compliance with the law.

2. The educational line within a multilingual and multicultural university is organized into departments. The teaching staff belonging to the educational line adopt and elaborate their own functioning regulations, which sets the choosing procedures and other aspects specific to the organizational structures of the educational line in question, in compliance with the university Charter, within 6 months from the date when this law comes into force.

3. The study section is a form of organization of the university study in the mother tongue of national minorities, that can be institutionalized, both at the university level, as well as within a faculty through the department of the section, which includes

educational programmes and the related organizational structures. The sections enjoy university autonomy for the organization of their didactic activities.

4. In the higher education system for national minorities, cycle I ensures academic graduate studies, cycle II ensures master studies, and cycle III PhD studies, as well as postgraduate education, in the mother tongue.
5. The basic financing is calculated with a higher coefficient for the students that attend the courses in the language of a national minority.

CHAPTER III: The Organization of Higher Education

SECTION 1: The Structure of the Academic Year

Article 136

1. The academic year usually starts in the first working day of the month of October, includes two semesters and ends on September 30th of the following calendar year. A semester usually has 14 weeks of teaching activities, followed, as a rule, by minimum 3 weeks of examinations. The structure of the university year is approved by the university Senate. In evaluating the transferable study credits in a semester a period of minimum 17 weeks is taken into consideration.

>*(on 30-Dec-2013 Article 136, Paragraph (1) of Title III, Chapter III, Section 1 amended by Article I, Point 25. of Expeditious Ordinance 117/2013)*

2. The university Senate of each higher education institution approves each year, with at least three months before the beginning of the academic year, the regulation regarding the professional activity of students, as well as the timetable of the educational activities specific to academic educational semesters.

SECTION 2: Academic Educational Programs

Article 137

1. The academic educational program represents a group of teaching, learning, research, practice and evaluation curricular units planned so that they lead to an academic training certified by a diploma and a diploma supplement.
2. The curriculum of the educational program matches the profile of the training programme, as defined in the National Training Framework. The curriculum of an educational program is elaborated so that it maximizes the chances to obtain the desired training and is approved by the university Senate.
3. The curriculum matching the qualification offered by the educational program is an essential aspect of the quality assurance process.
4. The higher education educational programs are grouped by subjects and organized by 3 study cycles: graduation, master and PhD.
5. The higher educational programs offer access to positions and professions specific to each finalized academic study cycle.

Article 138

1. The educational programs are organized by the higher education institutions, in compliance with the legislation in force. or each organized academic cycle, the Senate of the institution will approve internal organizational and functioning regulations, in compliance with the quality general and specific national and international standards.
2. An educational program legally operates if it is temporary authorized or accredited by and operates according to the conditions set by the authorization, or accreditation document. The organization and execution of the educational programs that do not legally operate is sanctioned by not recognizing the studies of the beneficiaries, as well as with a criminal fine for the organizers and the immediate withdrawal of the temporary authorization or the accreditation of the educational program by the Ministry of Education, Research, Youth, and Sports.
3. The educational programs temporary authorization and accreditation are done differently for each form of education, language and for each geographic location.
4. For the professions regulated at European level, the national regulation cannot contradict the European one.
5. The number of transferable study credits for each academic program, form of education or tuition language, as well as the maximum number of students who may be educated, proposed by agencies for the quality assessment that have evaluated

each programme, are decided annually by Government decision and approved by the Ministry of Education, Research, Youth, and Sports by the 31st day of March of each year.

►*(on 31-Aug-2011 Article 138, Paragraph (5) of Title III, Chapter III, Section 2, see implementation guidelines of Order 5224/2011)*

►(on *01-Oct-2011 Article 138, Paragraph (5) of Title III, Chapter III, Section 2 see implementation guidelines of Decision 966/2011)*

►(on *30-July-2012 Article 138, Paragraph (5) of Title III, Chapter III, Section 2 see implementation guidelines of Decision 707/2012)*

►(on *21-July-2014 Article 138, Paragraph (5) of Title III, Chapter III, Section 2 see implementation guidelines of Decision 582/2014)*

►*(on 01-Jun-2016 Article 138, Paragraph (5) of Title III, Chapter III, Section 2 see implementation guidelines of Decision 376/2016)*

►(on *16-Jun-2016 Article 138, Paragraph (5) of Title III, Chapter III, Section 2 see implementation guidelines of Decision 402/2016)*

►(on *04-Apr-2017 Article 138, Paragraph (5) of Title III, Chapter III, Section 2 see implementation guidelines of Decision 140/2017)*

6. Notwithstanding Paragraph (5) above, in soundly reasoned cases, the Ministry of National Education may approve supplementary places in universities / higher education institutions – up to 10% of the number of student places allocated by ARACIS for the academic programme in question – for the education of European and third country citizens or for academic mobility programmes of students, based on government, university or special, approved programmes, in compliance with the applicable regulations. The university / higher education institution is required to inform ARACIS on the supplementary places allocated.

7. The enrolment on the student places provided for under Paragraph (6) is permitted until no later than the end of the first semester of the academic year when the approval was granted.

► (on *30-Jun-2014 Article 138, Paragraph (5) of Title III, Chapter III, Section 2 supplemented by Article I, Point 39. of Expeditious Ordinance 49/2014)*

SECTION 3: Forms of Organization

Article 139

The study programme forms of organization are:

a) daily attendance studies, characterised by education and/or research activities scheduled during the whole day, specific to each cycle of university studies, approximately evenly distributed on a weekly/daily basis during the semester and implying the direct meeting, in the university space, of the students with the teaching and research staff;

b) low attendance studies, characterised by activities that are mainly dedicated to synthesis and practical training, scheduled in a compact and periodical way, implying the direct meeting, in the university space, of the students with the teaching and research staff, completed by other training means specific to the distance education;

c) distance education, characterised by the use of electronic, computerized and communication means specific to self-teaching and self-evaluation activities completed by specific tutoring activities.

Article 140

1. The bachelor programs can be organized as: daily attendance, low attendance, and distance learning.

2. Master programs can be organized as: daily attendance and low attendance.

3. Exception to the provisions of paragraphs (1) and (2) are the graduation and master programs for the fields regulated at EU level, which can be organized only as daily attendance courses, which can be organized only as daily attendance courses.

4. Usually, PhD programs will be organised as daily attendance courses.

► (on *30-Jun-2014 Article 140, Paragraph (4) of Title III, Chapter III, Section 3 amended by Article I, Point 40. of Expeditious Ordinance 49/2014)*

4^1. Notwithstanding Paragraph (4) above, PhD programs may also be organised as low attendance courses.

4^2. For the PhD educational programmes, the obligations concerning the attendance are set by the university management, at the proposal of the PhD Council, in compliance with a methodology developed by the Ministry of Education, Research, Youth, and Sports. The multi-annual grants for low attendance PhD studies do not include the individual scholarships.

► *(on 30-Jun-2014 Article 140, Paragraph (4) of Title III, Chapter III, Section 3 supplemented by Article I, Point 41. of Expeditious Ordinance 49/2014)*

1. The diplomas and certificates issued by the higher education institutions, as the law requires, for the same educational programs, irrespective of the form of education graduated, are recognized. The methodology for the organization of the examinations, the assessed competences and knowledge, the correlation between the results of the studies and the grades, study diplomas of certificates must be identical for any form of education corresponding to a certain educational programme within a higher educational institution.
2. Only the higher education institutions that have the educational program accredited for daily attendance may organize evening classes, reduced attendance and distance learning courses.

SECTION 4: Educational Service Agreements

Article 141

The higher education institution signs with each registered student/post-graduate/trainee/post-PhD researcher an educational services agreement in compliance with the provisions of the regulations for educational programs and of the legislation in force and of the legislation in force. The educational services agreement shall not be amended during the academic year.

SECTION 5: Admission to Educational Programs

Article 142

1. The Ministry of Education, Research, Youth, and Sports develops el the framework methodology for the organization of the admission in the Romanian public and private educational institutions on an annual basis.
2. Each higher educational institution elaborates and applies its own regulations for the organization of the educational programmes it provides. These regulations are developed in compliance with the framework methodology provided in paragraph (1).
3. The admission conditions, including the number of students must be published each year, by the university, with at least 6 months before the admission contest.
4. Any candidate from the member states of the European Union, from the European Economic Space and from the Swiss Confederation may take the admission exam for a public, private or confessional higher education for each educational cycle and program, in the same conditions provided by law for the Romanian citizens, as well as the tuition is concerned, too.
5. According to the legal provisions in force the higher education institutions may charge candidates with registration fees for the organization and execution of the admission, in the quantum approved by the university Senate. In their own methodologies, the university Senates may decide upon tax exemption or reduction.
6. A person may benefit from financing from the budget for a single graduation programme, for a single master's degree programme, and for a singer PhD degree programme.

6^1. The person that benefited of free education in a university programme financed from the state budget is entitled, as provided for by law, to take another university education programme, in the same cycle of academic studies, thus:

a) against a tuition fee, if the higher education institution also provides this option;

b) free of charge, funded form the state budget, if the candidate pays the cost of the fully or partially state-funded educational services he/she benefited from previously, in the cases when the education programme where he//she was admitted is exclusively provided as fully paid by the state budget.

6^2. The money representing the cost of education services is cashed in by the public higher education institution that provided the programme, which is also entitled to accept payment in instalments. The money cashed-in is revenue to the state budget.

6^3. At the time of enrolment, the person provided for under Paragraph (6^1) produces proof of payment provided under Paragraph (6^2).

► (on *30-Jun-2014 Article 142, Paragraph (6) of Title III, Chapter III, Section 5 supplemented by Article I, Point 42. of Expeditious Ordinance 49/2014)*

7. The person admitted to a bachelor, master or PhD educational program is a student, post-graduate respectively, during its entire presence in programme in question, from the registration moment and to the finalization of the studies or rustication, less the periods when studies are interrupted.

7^1. The status as undergraduate or PhD student is also maintained during national and international mobility programmes. In the case of international mobility programmes of students who pay their studies, the transferable credits are recognised by the higher education institutions, on the grounds of university autonomy principle.

7^2. In the case of international academic mobility programmes, the transferable credits may only be recognised by higher education institutions for a person that demonstrates hi/her status as student with relevant documents issued by the higher education institution where he/she attended.

7^3. The conditions and manner in which the academic mobility programme is delivered are established in a methodology approved by Order of the Minister of National Education.

► (on *30-Jun-2014 Article 142, Paragraph (7) of Title III, Chapter III, Section 5 supplemented by Article I, Point 43. of Expeditious Ordinance 49/2014)*

► *(on 24-nov-2014 Article 142, Paragraph (7^3) of Title III, Chapter III, Section 5 see implementation guidelines of Methodology of 2014)*

8. The higher education institutions have the obligation to reimburse, within maximum 48 hours from the submission and unconditionally, without charging any tax, the files of the rejected candidates or of those that give up their position obtained by admission, after the final results are published.

SECTION 6: Graduation Examinations

Article 143

1. The higher education graduation exams are:
    a) the bachelor's degree examination, for the bachelor's degree educational studies, or a diploma exam for the engineering study areas;
    b) the dissertation, for the masters cycle;
    c) the defence of the PhD thesis;
    d) the certification exam, for the specialization postgraduate educational studies;
    e) the selection exam, which precedes the bachelor's degree examination, for the students/graduates that come from institutions or programs that are under liquidation.
2. The examinations mentioned under paragraph (1) are organized and carried out only by the accredited higher education units, based on an internal regulation approved by the institution's Senate and which observes the master methodology approved by the Ministry of Education, Research, Youth, and Sports within 6 months from the date this law enters in force.
3. The graduates from educational programmes in the temporarily authorized higher educational institutions will graduate only within higher educational institutions which have similar study programme profiles, accredited, indicated by the Ministry of Education, Research, Youth, and Sports.
4. The tutors of the graduation, diploma, dissertation and PhD papers are responsible for the originality of their content together with their authors
5. It is forbidden to sell scientific papers in order to facilitate the counterfeit of the quality of graduation, diploma dissertation or PhD paper author by the buyer.

SECTION 7: Evaluations during the Academic Years

Article 144

1. The academic success of a student during the educational program is determined through exam-type overall testing and through continuous evaluation.
2. The higher education institutions have examination methodologies approved by the university's Senate, which take into consideration the quality assurance and the observation of the academic ethics.
3. Education results are graded at the examination:

a) on a scale from 10 to 1, grade 5 certifying the minimal competencies afferent to a subject and that the exam was passed;

b) with marks, as the case may be.

4. The results of an examination or evaluation may be annulled by the faculty's Dean based on the provisions of the university Charter, if it is proved that these were obtained by fraud or by breaching the academic ethics principles. The Dean may order the reorganization of the examination.

Article 145

The challenges submitted by the candidates to admission, examined students or by the graduates at the graduation exams a are solved exclusively by the higher education institutions, according to their own institutional regulations and to the provisions of the university Charter.

SECTION 8: Diplomas

Article 146

The Rector may revoke an education certificate or diploma, with the approval of the university's Senate, when it is proven that this was obtained by fraud or by breaching the provisions of the code of academic conduct and ethics.

Article 146[1]

The PhD diploma ceases to produce legal effects at the time when the order to withdraw the title withdrawal is notified.

► (on *10-Mar-2016 Article 146 of Title III, Chapter III, Section 8 supplemented by Article 1, Point 1. of Expeditious Ordinance 4/2016)*

Article 147

1. The recognition of the studies in the Romania or abroad is done based on a master methodology developed by the Ministry of Education, Research, Youth, and Sports and on specific methodologies approved by each higher education institution, approved by the university's Senate, based on European norms and on the European system for education credit accumulation and transfer, in compliance with the framework methodology.
2. The studies delivered within an educational programme interrupted as a result of expelling or due to the breach of the ethics code of the university may not be recognized in the case of a new registration.
3. In the case of educational programs jointly organized by two or more universities, the documents will be issued in compliance with the national norms and inter-institutional agreements.

SECTION 9: Education Credits

Article 148

1. The educational programs plan and organize the work load specific to teaching, learning, application and examination activities, in compliance with ECTS/SECT, expressing it in education transferable credits. An education credit consists in the quantity of guided and interdependent intellectual work necessary for the individual finalization by a student of a unit of a course within an university education program, completed with the validation of the education results.
2. The quantity of individual intellectual work of a student in an academic year cannot be lower than the equivalent of 60 transferable credits.
3. The minimum number of credits required for the graduation from the academic year is decided by the university's Senate.
4. The duration of the bachelor and master's degree educational programs, on specialty areas, is decided at the proposal of the Ministry of Education, Research, Youth, and Sports and approved by government decision
5. The total cumulated duration of the bachelor and master' degree education cycles correspond to obtaining at least 30 transferable education credits.
6. The number of credits afferent to the PhD cycle is decided by each university based on the scientific or artistic subject.

Article 149

1. The number of education credits is the reference element that the universities may use in recognizing some studies or courses legally attended before in the same field in order to validate and transfer the education credits and possible continuation of the courses of an education program.

2. For the validation, continuation and finalization of the studies or for the recognition abroad of diplomas issued prior to the transferable credit system, based on the information in the grade register, the institutions may issue, at request, documents where a number of credits can be assigned to the subjects attended by the graduate. For this operation, the higher education institutions may charge taxes operation in the quantum approved by the university's Senate.

3. For the teaching staff in the pre-academic education, the Ministry of Education, Research, Youth, and Sports may recognize, by a specific methodology, based on ECTS/SECT, the short-term academic education, provided in the 3-year college or in the 3-year pedagogical institute, equating it with the 1st cycle I of university education (bachelor's degree), in compliance with the law.

► *on 19-Oct-2011 Article 149, Paragraph (3) of Title III, Chapter III, Section 9 see implementation guidelines of Methodology of 2011)*

► on *25-May-2012 Article 149, Paragraph (3) of Title III, Chapter III, Section 9 see implementation guidelines of Order 4121/2012)*

► on *22-sep-2014 Article 149, Paragraph (3) of Title III, Chapter III, Section 9 see implementation guidelines of Order 4553/2014)*

SECTION 10: Cycle I - Bachelor's degree educational studies

SUBSECTION A: Organization

Article 150

1. The accreditation of a bachelor degree educational programme and the decision concerning the maximum number of students who may be educated within the programme and who may receive a graduation diploma are made by Government decision, following the external evaluation made by ARACIS or by another national or foreign quality assurance agency registered in the European Register for Quality Assurance in Higher Education (EQAR). University bachelor's degree studies correspond to between minimum 180 and maximum 240 transferable credits, according to ECTS/SECT, and between minimum 240 and 300 credits, in the case of double specialisaiton, and are finalized at level 6 EQF/CEC.

► *on 15-Dec-2016 Article 150, Paragraph (1) of Title III, Chapter III, Section 10, Subsection 1 amended by Article I, Point 3. of Expeditious Ordinance 96/2016)*

2. For daily attendance, the specific duration of the bachelor's degree education program is, as the case may be, of 3-4 years and corresponds to a minimum number of 60 credits for an academic year. The duration of the bachelor's degree education for engineering is of 4 years.

3. By approval of the department council, maximum 5% of the number of students with daily attendance may attend 2 years in one, except for medical higher educational institutions and of the last year of studies, according to the conditions in the internal regulations for the organization and performance of the educational programmes, and to the legislation in force.

4. During the bachelor's degree education, practice is mandatory. Universities have the obligation to provide at least 30% of the required practice places, out of which at least 50% outside universities.

► *on 09-Feb-2011 Article 150, Paragraph (4) of Title III, Chapter III, Section 10, Subsection 1 see implementation guidelines of Article 3 of Annex 2 of Order 3753/2011)*

5. The bachelor's degree education with daily attendance may be financed from the state budget or a tuition fee may be charged. For the bachelor's degree education with daily attendance the Ministry of Education, Research, Youth, and Sports allocates a number of grants financed from the budget, for public universities.

6. The university Senate may organize double specialties formed by joining two accredited academic programmes, included in the Register of academic fields and education specialisations/programmes and the structure of higher education institutions.

► *on 15-Dec-2016 Article 150, Paragraph (6) of Title III, Chapter III, Section 10, Subsection 1 amended by Article I, Point 3. of Expeditious Ordinance 96/2016)*

7. An academic programme may result in an existing qualification, included in the National Register of Higher Education Qualifications (RNCIS), or new qualifications that are to be registered and entered into the RNCI according to the methodology established by Order of the Minister of National Education and Scientific Research.

► *on 15-Dec-2016 Article 150, Paragraph (6) of Title III, Chapter III, Section 10, Subsection 1 supplemented by Article I, Point 4. of Expeditious Ordinance 96/2016)*

SUBSECTION B: Admission

Article 151

1. High-school graduates holders of a high-school diploma or an equivalent can participate to the cycle 1 education.
2. In their own methodology, the higher education institutions can decide special facilities and conditions related to the admission of the candidates to the bachelor's degree education, who have obtained during high-school awards at the national and international school Olympiads and or other national and international contests.
3. Candidates to bachelor degrees who, during high school, obtained awards (prises I, II, III, mention) in international school Olympics recognised by the Ministry of National Education and Scientific Research are entitled to enrol, without having to sit the admission examination, on places funded from the state budget, in a bachelor, master or PhD programme.
4. The «Olympic Merit» Scholarship is granted, under Paragraph (3), for the entire duration of high school and university studies, if the recipient maintains the same level of performance. The scholarship is granted from the budget, of the Ministry of National Education and Scientific Research.

> *(on 29-May-2015 Article 151 of Title III, Chapter III, Section 10, Subsection 2 amended by Article 1 of Law 118/2015)*

SUBSECTION C: Diploma

Article 152

1. The diploma awarded after the graduation of a bachelor's degree education is called "a bachelor's diploma" or, as the case may be, an "engineering diploma" or an urban landscaper's diploma.
2. The bachelor's diploma, the engineering diploma or, as the case may be, the urban landscaper's diploma include all the information necessary to describe the graduated educational program, including the form of attendance and the obtained title. The bachelor's diploma, the engineering diploma or, as the case may be, the urban landscaper's diploma is accompanied by the "diploma's supplement" and that is issued free of charge, in Romanian and in a commonly used foreign language.

SECTION 11: Cycle II - Master's Degree Education

SUBSECTION A: Organisation

Article 153

1. The master's degree education represents the second cycle of the higher education and are finalized through level 7EQF/CEC and National Qualification Framework. Their regular duration is of 1-2 years and they correspond to a number of transferable credits between 60 and 120. For the professions regulated by European good practices norms or recommendations, cycle I and cycle II of university studies may be combined in a single program with a duration of 5-6 years, with daily attendance, in compliance with the conditions of this law. The degrees thus obtained are equivalent to the master's degree.
2. The bachelor's degree or the graduation diploma of the long-term higher education graduates from the period prior to the enforcement of the three Bologna cycles is equivalent to the master's degree.

Article 154

1. The master's degree educational programs may be:
    a) professional masters, focused mainly on forming professional competences;
    b) research masters, focused mainly on forming scientific research competences. The education received during the research master is equivalent to the first year of study from the PhD education programs. The research master is exclusively at the form of education with attendance and may be organized in PHD schools;
    c) didactic master's degree. The didactic master's degree is organized exclusively at the form of education with attendance.
2. The higher education institutions that are accredited or temporary authorised may organize master's degree courses in a specialty area.

Article 155

1. The accreditation of a field for the master's degree education together with the maximum number of the students that can be admitted and who can receive a graduation diploma is done by a government decision, based on an external evaluation performed by ARACIS or by another quality assurance agency from Romania or abroad registered with the European Quality Assurance Register, hereinafter referred to as EQAR.

(on 30-Mar-2017 Article 155, Paragraph (1) of Title III, Chapter III, Section 11, Subsection 4 see implementation guidelines of Decision 117/2017)

2. Within the field accredited or temporarily authorised for master's degree education, the promoted educational programs are decided each year by the university senate and communicated to the Ministry of Education, Research, Youth, and Sports by 1st February of each year, in order to be published in a centralized way.
3. Higher education institutions may conclude partnerships with business entities, professional associations and/or public institutions for the development of master's degree university studies meant to meet the requirements of the labour market.
4. Attendance the Ministry of Education, Research, Youth, and Sports allocates, for master's degree university studies at the form with attendance, a number of grants financed from the budget, for the public universities.

SUBSECTION B: Admission

Article 156

The candidates who already have a bachelor's degree or an equivalent degree may be candidates participate to master's degree education programmes

SUBSECTION C: Diploma

Article 157

The diploma awarded after the graduation of a master's degree education program and the successful defence of the dissertation paper is called a master's degree diploma and includes all the information needed to describe the graduated program, including the form of attendance. This is accompanied by the diploma supplement which is issued free of charge, in Romanian and in another commonly used foreign language.

SECTION 12: Cycle III - PhD Education

SUBSECTION A: Organisation

Article 158

1. The PhD represents the third cycle of higher education and allows for a qualification of level 8 within EQF/CEC and within the National Qualification Framework. It takes place based on a Code of PhD Education, approved by government decision.
2. The PhD educational programs may be organized by accredited or temporarily authorized doctoral schools. The doctoral schools may be organized by universities or a consortium or partnership legally concluded between a university or a university consortium and research and development entities. The universities and partnerships or consortiums that organize one or several accredited or temporarily approved doctoral schools constitute an institution providing doctoral studies, hereinafter referred to as IPDS, recognized as such by the Ministry of Education, Research, Youth, and Sports, based on the accreditation or temporary authorization and periodic evaluation.

► *on 10-May-2012 Article 158, Paragraph (2) of Title III, Chapter III, Section 12, Subsection 7 see implementation guidelines of Methodology of 2012)*

3. The Romanian Academy may establish the Doctoral School of the Romanian Academy, in compliance with the provisions of this law on the authorization, accreditation and operation as higher educational institution. The Doctoral School of the Romanian Academy of the Romanian Academy may be IPDS and may organize PhD degree programmes.
4. Each doctoral school is assessed individually, for each area, for accreditation. The assessment of the doctoral school is made based on its performance and on the institutional capacity of IPDS to which the doctoral school belongs. The assessment of the doctoral schools is made by ARACIS or by another national or foreign quality assurance agency, based on the CNCS reports on the quality of research and on the CNATDCU reports on the quality of human resources. The criteria system and the assessment methodology are set by order of the Ministry of Education, Research, Youth, and Sports, based on joint proposals of ARACIS, CNCS and CNATDCU. Each doctoral school is assessed periodically, every 5 years.

4[1]. Notwithstanding Paragraph (4), until the end of the academic year 2012-2013, doctoral schools will be evaluated by ARACIS or by another national or foreign quality assurance agency. The criteria system and the assessment methodology are set by order of the Ministry of Education, Research, Youth, and Sports, based on joint proposals of ARACIS, CNCS and CNATDCU. Each doctoral school is assessed periodically, every 5 years.

► *on 31-May-2012 Article 158, Paragraph (4) of Title III, Chapter III, Section 12, Subsection 7 supplemented by Article 1, Point 2. of Expeditious Ordinance 21/2012)*

5. Based on the results of the evaluation, ARACIS or the agency mentioned in paragraph (4) propose to the Ministry of Education, Research, Youth, and Sports the granting or withdrawal of the right to organize PhD education programs, as the case may be. The right to organize PhD programs is certified by an order of the Minister of Education, Research, Youth, and Sports.

6. PhD programmes are of two types:

   a) scientific PhD, which has as final result the generation of original scientific knowledge, relevant at international level, based on scientific methods, organized only for daily attendance. The scientific PhD is an essential condition for a carrier as a researcher or professor in the higher education system;

   b) professional PhD, in arts and sports, which has as final result the generation of original scientific knowledge based on scientific methods and systematic reflection, on artistic creation or on Sports performance at national and international high level and which may represent a basis for the professional career in higher education and research in arts and sports.

7. The institutions organizing PhD programs within IPDS, organize doctoral schools by subjects or by themes or disciplinary and interdisciplinary topics.

8. Within the IPDS institutional framework, the PhD programs have their own specific management and administration systems for the research and educational programs, including at doctoral school level. At the level of IPDS, the Council for University PhD studies operates. At the level of each doctoral school, the doctoral school Council operates. These structures operate in compliance with this law and of the Code of University PhD studies provided for at paragraph (1).

Article 159

1. The University PhD study programme is performed within a doctoral school under the coordination of a PhD tutor and includes:

   a) training programme based on advanced university studies, within the doctoral school;

   b) a scientific research or artistic creation individual program.

2. In the fields of study regulated at European level, the duration of the PhD education observes the applicable regulations.

3. The PhD education usually lasts 3 years. In special cases, the duration of the PhD education may be extended with 1-2 years, with the approval of the university senate, at the proposal of the tutor and within the limit of the available funds.

4. A doctoral school may recognize, according to the internal organization and functioning regulations foe the PhD university studies and in compliance with this law, internships prior to PhD and/or scientific research internships in Romania or abroad, that took place in prestigious universities or research centres, as well as courses belonging to the research master's degree programs.

5. The PhD education may be interrupted due to justified reasons, in compliance with the PhD regulation of the institution. The duration of the education is prolonged with the cumulated intervals of the approved interruptions.

6. The curriculum and the research program are decided by the PhD tutor and by the doctoral school.

Article 160

1. The education programs can be financed from the state budget, from the tuition fees or from other legal sources. PhD studies may also be funded by private legal entities or research & development entities, based on a contract. The outline contract and methodology for funding is to be approved by Order of the Minister of National Education.

► *on 30-Dec-2013 Article 160, Paragraph (1) of Title III, Chapter III, Section 12, Subsection 7 amended by Article I, Point 26. of Expeditious Ordinance 117/2013)*

2. By government decision initiated by the Ministry of National Education, a multi-annual number of student places is allocated for doctoral programmes, equivalent to the number of multi-annual grants, over a minimum of 3 years. The method for calculating the universities' funding will consider the costs of advanced studies programme and the research programme. Such costs are adjusted by coefficients corresponding to the disciplinary and professional areas of the PhD.

► *on 30-Dec-2013 Article 160, Paragraph (2) of Title III, Chapter III, Section 12, Subsection 7 amended by Article I, Point 26. of emergency Ordinance 117/2013)*

3. The allocation of student places and grants for universities is approved by Order of the Minister of National Education. Priority will be given to advanced research and education universities.

► *on 30-Dec-2013 Article 160, Paragraph (3) of Title III, Chapter III, Section 12, Subsection 7 amended by Article I, Point 26. of Expeditious Ordinance 117/2013)*

► *on 30-Dec-2013 Article 160, Paragraph (4) of Title III, Chapter III, Section 12, Subsection 7 abrogated by Article I, Point 27. of Expeditious Ordinance 117/2013)*

4. Notwithstanding Paragraph (3) and (4), for the academic year 2012-2013, the number of doctoral grants will be determined by decision of the government and allocated to IPDS's by Order of the Minister of Education, Research, Youth and Sports. IPDS distribute the PhD grants to the doctoral schools in a competitive system, based on a methodology approved by the university senate.

► *on 31-May-2012 Article 160, Paragraph (4) of Title III, Chapter III, Section 12, Subsection 7 supplemented by Article 1, Point 3. of Expeditious Ordinance 21/2012)*

► *on 16-Aug-2012 Article 160, Paragraph (5) of Title III, Chapter III, Section 12, Subsection 7 see implementation guidelines of Order 4970/2012)*

Article 161

The PhD may be in Romanian, in the language of the national minorities or in a frequently used foreign language, in compliance with the education services agreement concluded between IPDS, the PhD mentor and the student

Article 162

1. The PhD education may take place under a co-tutorship, in which case the students carries out his/her activity under the simultaneous guidance of a tutor in Romania and another one in a different country, or a under the guidance of two tutors from different universities in Romania, based on a written agreement between the institutions involved. PhD education under a co-tutorship may also be organized if the PhD mentors are from the same IPDS, but have different study specialties/areas, or if one of the PhD mentors has reached the retirement age, in compliance with the university Charter.

1^1. Notwithstanding Paragraph (1), in the academic year 2012-2013, doctoral programmes may also be delivered in co-tutorship. In such cases, the doctoral student will work under the simultaneous guidance or a Romanian PhD tutor and one form a foreign country or under the simultaneous guidance of 2 PhD tutors from different institutions from Romania, based on a written agreement between the organising institutions involved. The co-tutorship PhD may also be provided where the PhD tutors are from the same IPDS, but cover different specialisms /fields of study, as provided for by the University Charter.

► *on 31-May-2012 Article 162, Paragraph (1) of Title III, Chapter III, Section 12, Subsection 7 supplemented by Article 1, Point 4. of Expeditious Ordinance 21/2012)*

2. In the context of the university mobility policies, IPDS may employ, on a contractual basis, specialists from abroad who have the legal right to be tutors, in compliance with Art. 166, paragraph (4).

SUBSECTION B: Admission

Article 163

Only the graduates of the master's degree programs or equivalent studies have the right to participate to the admission to PhD programs.

SUBSECTION C: The Doctoral Student

Article 164

1. During PhD education, the person enrolled has the status of PhD student. PhD students are employed by IPDS or by any of the IPDS members as research assistants or assistant professors, on a definite period.

1[1]. Notwithstanding Paragraph (1), part-time doctoral students are not required to be employees of the IPDS as research or university assistants based on fixed-term employment agreements.

► (*on 30-Jun-2014 Article 164, Paragraph (1) of Title III, Chapter III, Section 12, Subsection 9 supplemented by Article I, Point 44. of Expeditious Ordinance 49/2014)*

2. During the entire activity, the student attending courses with daily attendance benefits from the acknowledgement of worked years and qualification and also from free medical care, without paying the contribution to the social insurance, unemployment, health and work accident and occupational diseases insurances.

3. The PhD student may perform teaching activities, in compliance with the education services agreement, in the limit of 4-6 normal classes/week. The teaching activities that exceed this level will be paid according to the legislation in force, falling under the Labour Code, and requiring the observance of the rights and obligations of an employee and the payment of contributions due by law to the social insurance, unemployment, health and work accident and occupational diseases insurances.

Article 165

1. According to the pension law, the PhD education is an assimilated period, and is taken into consideration when deciding the contribution rate, except for the case in which the student registers revenues for which, during this time, he/she is paying contributions to the social insurances.

2. After defending the PhD thesis, the IPDS issues a certificate which makes proof of the period in which the student has attended the PhD education program with regular attendance.

SUBSECTION D: PhD mentor

Article 166

1. The following persons can be PhD mentors: those who have been granted the right to be PhD mentors before the date when this law comes in force, as well as those who have obtained the competence certificate, holding at least the position of reader/lecturer, or 3rd level scientific researcher.

2. The capacity as PhD mentor is granted by order of the Minister of Education, Research, Youth, and Sports, at the proposal, of CNATDCU for granting the competence certificate, in compliance with the standards and procedures developed by the Ministry of Education, Research, Youth, and Sports. These standards are set based on evaluation criteria relevant at international level proposed by CNATDCU and approved by order of the Minister of Education, Research, Youth, and Sports. The minimal standards for the acceptance of the competence certificate file by the CNATDCU are not dependent upon the didactic position and are identical to the standards for granting the professor title.

(on 15-Dec-2016 Article 166, Paragraph (2) of Title III, Chapter III, Section 12, Subsection 10 amended by Article I, Point 5. of Expeditious Ordinance 96/2016)

3. In order to coordinate PhD studies, the teaching and research In order to coordinate PhD studies, the teaching and research staff who have obtained such right must conclude a labour contract with a IPDS or another IPDS-member institution and must be a member of a Doctoral school. The competent teaching and research and the scientific researchers who have the competence to become PhD tutors become PhD tutors after being authorized.

4. The specialists who have acquired the legal right to coordinate PhD studies in higher educational or research and development institutions aboard are granted the PhD mentor competence within the Romanian IPDS, as follows:

    a) the specialists who have the competence of PhD mentor in one of the member countries of the European Union, the European Economic Area and the Swiss Confederation are automatically granted the PhD mentor competence in Romania, based on the methodology approved by order of the Minister of Education, Research, Youth, and Sports;

(on 25-Oct-2011 Article 166, Paragraph (4), Letter A. of Title III, Chapter III, Section 12, Subsection 10 see implementation guidelines of Methodology of 2011)

    b) The Ministry of Education, Research, Youth, and Sports makes a list of the higher educational institutions outside the countries mentioned at letter a), which are among the most prestigious universities in the world. The specialists

who have the competence of PhD mentor in one of the institutions on the list are automatically granted the PhD mentor competence in Romania, based on the methodology approved by order of the Minister of Education, Research, Youth, and Sports;

(on 18-Feb-2015 Article 166, Paragraph (4), Letter B. of Title III, Chapter III, Section 12, Subsection 10 see implementation guidelines of Methodology of 2015)

c) The specialists who have the competence of PhD mentor in foreign institutions, other than those mentioned at letter a) or b), may obtain the PhD mentor competence in Romania, either by an international mutual recognition agreement, or in compliance with the provisions of paragraph (2).

5. A PhD mentor may guide students only with regard to the field for which he/she has obtained PhD mentorship.

Article 167

1. A PhD mentor may perform its activity for only one IPDS, with the exception of the PhD studies coordinated by co-tutorship.
2. The number of doctoral that may be simultaneously coordinated by a PhD mentor will be determined by the university senate.

► *(on 19-Dec-2012 Article 167, Paragraph (2) of Title III, Chapter III, Section 12, Subsection 10 amended by Article I, Point 6. of Chapter I of Expeditious Ordinance 92/2012)*

3. For this activity, the PhD mentors will be paid according to the legislation in force.

Article 168

1. The PhD thesis is drafted in compliance with the requirements decided by the IPDS in the PhD regulation and in compliance with the regulations of the Code for the PhD University Studies.
2. The commission to which the thesis is presented, hereinafter called PhD commission is proposed by the PhD mentor and approved by the IPDS management. The PhD commission is formed of at least 5 members: the president, as IPDS representative, the PhD mentor and 3 official Romanian or foreign referents, specialists in the area of the PhD thesis, out of whom at least 2 perform their activity outside the IPDS in question. The members of the PhD commission have a PhD title and a teaching position of a 2nd degree senior scientific researcher or private docent, at least, or the competence of PhD mentor in Romania or abroad.
3. The PhD thesis is defended in a public meeting before the PhD commission, after the positive evaluation of all the referents. The defence of the PhD thesis may take place in the presence of at least 4 of the 5 members of the commission, with the mandatory participation of the commission's president and PhD mentor. The public defence must include a session of questions by the members of the PhD commission and the public.
4. Based on the public presentation of the PhD thesis and of the official referents' reports, the PhD commission evaluates and deliberates upon the grade that the thesis receives. The grades are: „Excellent", "Very good", "Good", "Satisfactory" and "Unsatisfactory". "Excellent" is usually granted for maximum 15% of the candidates who acquire the PhD title in a certain IPDS, in the course of an academic year.
5. If the PhD student has observed the requirements provided in the scientific research program and the grade of the PhD thesis is "Very good", "Good" or "Satisfactory" co the PhD commission proposes to award the PhD title, proposal that is submitted with CNATDCU for validation. Following the evaluation of the file, CNATDCU, proposes to the Minister of Education, Research, Youth, and Sports to grant or to not to grant the PhD title.
6. If the grade is "Unsatisfactory", the PhD commission will identify the content elements that must be remade or completed from the thesis and will request a new public defence. The second defence of the PhD thesis takes place before the same PhD commission, as in the case of the first defence. If, following the second public defence, the PhD thesis is graded "Unsatisfactory", the PhD title is not granted, and the student shall be expelled.
7. The PhD title is granted by an order of the Minister of Education, Research, Youth, and Sports, after the validation of the thesis by CNATDCU.

7^1. The holder of a scientific title may apply to the Ministry of Education and Research to renounce the title. In such cases, the Ministry of Education and Research will acknowledge the renouncement in a withdrawal order issued to such effect.

7[2]. The administrative act that confirms the scientific title is annulled at the time when the withdrawal order is issued. The procedure for renouncing the title and for the annulment of the administrative act that confirms the scientific title is approved by order of the Minister of Education and Research.

► (*on 30-Dec-2014 Article 168, Paragraph (7) of Title III, Chapter III, Section 12, Subsection 10 supplemented by Article I, Point 12. of Expeditious Ordinance 94/2014)*

8. If the CNATDCU does not validate the PhD thesis, IPDS receives from the Ministry of Education, Research, Youth, and Sports a written argumentation of the invalidation, drafted based on the remarks of CNATDCU. The PhD thesis may be resent to CNATDCU within 1 year from the date the first invalidation is received. If the PhD thesis is invalidated for the second time, the PhD title is not granted, and the student shall be expelled.

9. The PhD thesis is a public document. It is also drawn up in electronic format. In arts and sports, the PhD thesis may be accompanied by the record of the original artistic creation on electronic format. The PhD thesis and its annexes are published on a site managed by the Ministry of Education, Research, Youth, and Sports, in compliance with the applicable laws on copyright.

Article 169

1. The diploma bestowed after the graduation of a PhD university study programme is called a PhD diploma. The diploma that certifies that the holder has been granted and had the PhD specifies the PhD disciplinary or interdisciplinary area, for a scientific PhD; the diploma that certifies that the holder has been granted and had the PhD in a professional area specifies the professional PhD area.

2. Following the graduation of the scientific PhD studies, IPDS issues a diploma and grants the scientific PhD title, corresponding to the acronym Dr.

3. Following the graduation of the professional PhD studies, IPDS issues a diploma and grants the professional PhD title, corresponding to the acronym, Dr. P.

Article 170

1. In case the quality or professional ethics standards are not observed, the Ministry of Education, Research, Youth, and Sports, based on external evaluation reports drafted as the case may be, by the National Council for Titles, Diplomas and Certificates, National Research Council, the University Council of Ethics and Management or and National Council of Ethics for Research, Technological Development and Innovation, may take the following measures, alternatively or simultaneously:
    a) to withdraw the PhD mentor competence;
    b) to withdraw the PhD title;
    c) to withdraw the accreditation of the doctoral school, which implies the withdrawal of the right to organize admissions for PhD programs in order to select new students;

2. The doctoral school may be reaccredited at least 5 years after loosing this competence, exclusively after resuming the accreditation process in compliance with Art. 158.

3. The PhD mentor competence may be regained at least 5 years after loosing this competence, at the IPDS, proposal, based on an internal evaluation report validated by an external evaluation done by CNATDCU. The positive results of these procedures are prerequisites for the approval of the Ministry of Education, Research, Youth, and Sports.

4. The PhD mentors are evaluated every 5 years. The evaluation procedures are set by the Ministry of Education, Research, Youth, and Sports, at the proposal of the CNATDCU.

CHAPTER IV: Post-Graduate Education Organization

Article 171

The postgraduate programs are:

a) post-PhD programs for advanced research;

b) postgraduate training and continuous professional development programmes.

c) postgraduate improvement training programmes.

► (*on 30-Jun-2014 Article 171, Letter B. of Title III, Chapter IV supplemented by Article I, Point 45. of Expeditious Ordinance 49/2014)*

SECTION 1: Postgraduate Programs

Article 172

1. The advanced research post-PhD programs:

    a) are programs dedicated to persons who have received a scientific PhD diploma with at least 5 years before being admitted into the post-PhD program;

► (*on 19-Dec-2012 Article 172, Paragraph (1), Letter A. of Title III, Chapter IV, Section 1 amended by Article I, Point 7. of Chapter I of Expeditious Ordinance 92/2012)*

    b) ensures to the post-PhD researcher the institutional framework for the development of researches;

    c) have a duration of minimum 1 year;

    d) se may be financed by public institutions or economic operators;

    e) within higher educational institutions, performed in a Doctoral school based on the research plan proposed by the post-PhD researcher and approved by the hosting institution.

2. Within higher educational institutions, post-PhD programs may only be organized in doctoral schools accredited to organize such programs. Post-PhD programs may also be organized in research and development units.

3. The admission to the post-PhD programs is done based on the methodology drafted by the hosting institution, in compliance with the legislation in force.

(on 19-Dec-2012 Article 172, Paragraph (4) of Title III, Chapter IV, Section 1 abrogated by Article I, Point 8. of Chapter I of Expeditious Ordinance 92/2012)

5. At the graduation of the postgraduate program, IPDS or the hosting institution grants a Post-doctoral study certificate.

SECTION 2: Training and Continuous Professional Development Postgraduate Programs

Article 173

1. The institutions that are accredited at least for bachelor's and master's degree programs in a field of study may organize postgraduate training and continuous professional development programmes in that that field or profession.

► (*on 30-Jun-2014 Article 173, Paragraph (1) of Title III, Chapter IV, Section 2 amended by Article I, Point 46. of Expeditious Ordinance 49/2014)*

2. The postgraduate training and continuous professional development programs provided by accredited higher education institutions take place are delivered based on the rules for organisation and provision, approved by the institution's senate and in compliance with the regulations in force.

► *(on 30-Jun-2014 Article 173, Paragraph (2) of Title III, Chapter IV, Section 2 amended by Article I, Point 46. of Expeditious Ordinance 49/2014)*

3. The postgraduate programs may use ECTS/SECT are finalized with a final examination for the certification of professional competences assimilated by the students during the program.

4. The postgraduate programs can be financed from a tuition fee or from other sources.

5. The persons with a bachelor's degree or an equivalent, at least, have the right to attend postgraduate education

5[1]. Graduates that hold a undergraduate diploma, degree or equivalent credentials are entitled to participate in postgraduate professional development programmes.

► (*on 30-Jun-2014 Article 173, Paragraph (5) of Title III, Chapter IV, Section 2 supplemented by Article I, Point 47. of Expeditious Ordinance 49/2014)*

6. When graduating from the postgraduate training and continuous professional development programs, the organizing institution issues a certificate that certifies the professional competences specific to the program.

7. On completion of the postgraduate improvement training programmes, the organising institution issues a completion certificate.

► (*on 30-Jun-2014 Article 173, Paragraph (6) of Title III, Chapter IV, Section 2 supplemented by Article I, Point 48. of Expeditious Ordinance 49/2014)*

► *(on 23-nov-2015 Article 173, Paragraph (7) of Title III, Chapter IV, Section 2 see implementation guidelines of Order 5613/2015)*

CHAPTER V: Higher Medical Education

SECTION 1: Organization and Operation of the Higher Medical Education. Medical and Veterinary Higher Education.

Article 174

1. University education in the field of human and veterinary medicine is performed in compliance with the general and sectoral regulations of the EU, namely:
    a) years of study are ensured, for a minimum of 5,500 hours of theory and practice for the specialties Medicine, at the medical study programs, Dental Medicine and Veterinary Medicine5 years of study for the specialty of pharmacist;
    b) 4 years of study for a minimum of 4,600 hours of training for the specialty of GP medical nurses and midwives, and 3 years for other medical specialties;
    c) each academic year has 60 study credits that are transferable in the ECTS/SECT, a total of 180 credits can be accumulated for the specialties studied for 3 years for a bachelor's degree, 240 credits for the specialties studied for 4 years, 300 credits for the specialty Pharmacy studied for 5 years and 360 credits for the specialties Medicine, Dental Medicine and Veterinary Medicine studied for 6 years;
    d) university studies for a master's degree have 60-120 transferable ECTS/SECT credits; doctoral studies total 240 transferable credits, and the advanced studies attended in Doctoral schools total 6 credits; PhD studies may be organized in UOD and IPDS established by consortiums between universities and hospitals or clinics.
2. The higher education institutions in the medical and veterinary field accredited based on quality criteria, may organize forms of education provided in paragraph (1) and post-PhD and professional training programs: residency, specialization, complementary studies, for medical certificates and continuous medical and pharmaceutical training certificates.
3. The doctoral studies for the graduates for the graduates of human, veterinary medical and pharmaceutical school last for 4 years.
4. The higher education institutions in the human and veterinary medical field and the public heath institutions may use their own revenues for mutual interest, in order to ensure optimum conditions, or the activity, regarding the infrastructure, medical equipment and access to medical information.
5. For the selection and promotion of the academic teaching staff in higher educational institutions with medical study programmes, criteria such as the proven medical expertise are taken into account. In higher medical education, the teaching positions which have peer positions in the network of the Ministry of Health can only be occupied by persons who have obtained, following contests, depending on the university degree, the titles of resident doctor /dentist or specialist doctor/dentist or pharmacist/ resident pharmacist/ specialist in the area pertaining to the position.

► *(on 22-Apr-2017 Article 174, Paragraph (6) of Title III, Chapter V, Section 1 abrogated by Law 70/2017)*

6^1. Graduates of the college of nurses with baccalaureate diploma may continue their studies in undergraduate higher medical education, for the qualification «general care nurse».

6^2. To continue studies in undergraduate higher medical education for the qualification «general care nurse», graduates of the college of nurses with baccalaureate diploma must enrol for and pass the admission examination.

6^3. The education of graduates of colleges of nurses admitted to the undergraduate programme «general care nurse» is recognised in the transferable credits system.

6^4. The partial recognition of education is based on a methodology agreed by the medical and pharmacy universities, approved by order of the Minister of National Education, and including the general criteria.

6^5. The universities will develop their own methodologies, including the specific criteria established by the university senates.

► *(on 22-Apr-2017 Article 174, Paragraph (6) of Title III, Chapter V, Section 1 supplemented by Article 1, Point 2. of Law 70/2017)*

7. Medical higher and post-graduate education is performed in public medical units, institutes, diagnosis and treatment centres, sections with beds, laboratories and cabinets. In compliance with the special law, university clinics may be

established, with one or several clinical sections, in related specialties, in public or private institutions, in which the education and research activities of the university departments are organized.

8. Residency is the specific form of postgraduate education for graduates of programs of medicine, dental medicine and pharmacy studies providing the raining necessary to obtain one of the specialties included in the nomenclature of medical specialties, medical, dental and pharmaceutical care network. The organization and financing of residency is regulated by specific laws.

9. The admission to the residency of the medical higher education teaching staff is made under the same conditions as for any other graduate from the medical higher education.

10. Resident doctors who are employed on assistant professor positions in the medical higher education following a contest continue their training within the residency and are paid for both activities.

11. In higher educational institutions that organize residency training programs, a residency training department will be established. In higher educational institutions that organize medicine and pharmacy training programs, such department is subordinated to the university management.

SECTION 2: Regulation of Other Specific Aspects

Article 175

Regulations with regards to other aspects specific to performing the activities in this field shall be performed by government decision, order of the Ministry of Education, Research, Youth, and Sports, and, if that is required, by common order with the Ministry of Health and the National Sanitary Veterinary and Food Safety Authority.

CHAPTER VI: Higher Military Education and Higher Education in Intelligence, Public Order and National Security

SECTION 1: Organization and Operation

Article 176

1. Military higher education, higher education of intelligence, public order and national security is state education, integral part of the national education system, and includes: university education for officer police officer and other specialist training, as well as postgraduate education.

2. The higher education institutions of the military, intelligence, public order and national security within the national education system, as well as the specialties/study programmes therein are subject to quality assurance regulations, including those on the accreditation and authorization under the same conditions as for the higher civil education institutions.

3. The organizational structure, schooling number including the profiles, study programmes, number of places per year, the selection criteria of the applicants for the military higher education, and higher education of intelligence, public order and national security are set, as he case may be, by the Ministry of National Defence, Ministry of Administration and Internal Affairs, the Ministry of Justice, Romanian Intelligence Service and other institutions with competences in the fields of defence, intelligence, public order and national security, according to the specifics of each army, specialty, level, and form of organization of education, in compliance with the law.

4. The forms of organization of education, acceptance, performing the study programmes, completing the studies, licensing and accreditation of the education institutions, in military higher education, higher education of intelligence, public order and national security is subject to the procedures and conditions applicable to the civil higher education institutions.

5. For the military higher education, higher education of intelligence, public order and national security, as the case may be, the Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Ministry of Justice, the Romanian Intelligence Service and other institutions with competences in the field of defence, intelligence, public order and national security may issue their own orders, regulations and instructions, in compliance with the law.

6. The officers on active duty, in reserve or the retired officers, holders of a graduation diploma of the 3-year military college, may complete their studies in the civil higher education, in order to obtain the bachelor's degree in similar or related specialties to the arm/military specialty.

7. The bachelor's, master's and PhD diplomas issued by the military higher education, higher education of intelligence, public order and national security, as well as the obtained scientific titles give the right to the rightful holders, upon entering into reserve, under the conditions of the law, take up equivalent positions with the graduates of civil education institutions, with related specialties and at the same level.

8. The schooling plans for higher military education, intelligence and public order and national security are developed by the Ministry of National Defence, Ministry of Administration and Interior, Romanian Intelligence Service and other institutions responsible for defence, intelligence, law enforcement and national security, in accordance with national standards established by the institutions responsible for quality assurance.

SECTION 2: Management and Financing of Institutions

Article 177

1. The management of military higher education, higher education of intelligence, public order and national security is done under the same conditions as in the civil higher education institutions. Military higher education, higher education of intelligence, public order and national security are financed in compliance with the law.
2. The structure and management positions of the military higher education, higher education of intelligence, public order and national security institutions are the same as in the civil higher education institutions, and are occupied under the same conditions as for the civil higher education institutions and in compliance with the procedures specified in the normative acts specific to this area.
3. The management of the military higher education, higher units and institutions is done by the rectors who are also the commanders of such institutions. The commander's position is occupied in compliance with the regulations of the Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Romanian Intelligence Service, and other institutions in the field of defence, intelligence, public order and national security.
4. The body of military trainers shall be set up in the military higher education, higher education of intelligence, public order and national security, by orders and instructions of the Ministry of National Defence, the Ministry of Administration and Internal Affairs, the Ministry of Justice, the Romanian Intelligence Service and other institutions with competences in the field of defence, public order and national safety.

SECTION 3: Human Resources

Article 178

1. The teaching and research positions in the military higher education, higher education of intelligence, public order and national security is classified, filled and released under the same conditions as in the civil institutions of higher education. The teaching and research staff in the military higher education, higher education of intelligence, public order and national security have the same status as in the civil higher education institutions.
2. The principle of university self-governance applies also to the military higher education, higher education of intelligence, public order and national security.
3. The military teaching staff having held a permanent position, p retired at retirement age, and with all years in job as military, pot have the right to continue their teaching activity, within the same institution of higher education, in compliance with the law.

SECTION 4: Academic Life

Article 179

Academic life in the military higher education, higher education of intelligence, public order and national security institutions is performed according the regulations for the civil higher education institutions, adjusted to the military, intelligence, public order and national security.

CHAPTER VII: Higher Artistic and Sports Education

Article 180

Higher arts or sports education process is carried out through teaching activities and creative and performance practice.

Article 181

Institutions temporarily authorised or accredited , in compliance with the law, may organize forms of education in the 3 university education cycles: 1st cycle – bachelor studies, 2nd cycle – master degree studies, and 3rd cycle – PhD studies, including scientific PhD and professional PhD, as well as continuous training and professional development programs.

Article 182

In the higher artistic and sports education, the structure of the academic year can be adjusted depending on the specific program of practical activities.

Article 183

In the higher artistic and sports education, students' practice is performed in universities: design centres, art workshops, music studios, theatre and film production units, spaces dedicated to sports and institutions with sports or artistic profile that are based on institutional partnership.

Article 184

In the higher artistic and sports education, the scientific or professional PhD is a prerequisite for the teaching career.

Article 185

The research through artistic creation, design and sports performance is carried out individually or collectively, in design centres, laboratories, art workshops, music studios, theatre and film production units, spaces dedicated to sports.

Article 186

The quality assessment and the classification of the arts and sports universities take in consideration the specific artistic creation and sports performance criteria.

Article 187

In the higher artistic and sports education, the competitive fund allocation is made exclusively based on specific artistic creation and sports performance criteria.

Article 188

Other aspects specific to the activity performed in these areas shall be regulated by government decisions or orders of the minister of Education, Research, Youth, and Sports, in compliance with the provisions of the law and with the general and sectoral regulations of the European Union.

CHAPTER VIII: Research and Academic Creation Activity

Article 189

1. The activity of research, innovation and artistic creation in universities is organized and operated based on the Romanian and European legislation in the field.
2. The higher educational institutions that have undertaken a scientific research mission have the obligation of to create technical-administrative structures that facilitate the management of the research activity and the research and development projects carried out by the institution's staff. These structures serve and meet at an optimum level the requirements of the staff involved in research.
3. The staff involved in research activities in institutes, laboratories or research centres the university benefit, within the limit of the projects they coordinate, from autonomy and personal liability, delegated by the financer, in organizing public tenders and managing the human resources required to develop the project. These activities are performed according to the legal regulations in force and are subject to internal financial control.

Article 190

1. At the end of each budget year the management of the university submits to the Senate a report regarding the amount allocated from the budget for research grants and the way this amount was spent.
2. The maximum amount of allocation for grants and research contracts is set by the financer or the contracting authority, and may not be changed during the grant or the research project.

Article 191

1. For the grants managed by the Ministry of Education, Research, Youth, and Sports, through the National Authority for Scientific Research, the ministry provides an advance payment of up to 90% of the grant upon signature of financing contract. For the difference, the universities can pay funds from their own incomes.
2. The inter-institutional mobility of the research staff according to the principle: the grant follows the researcher – is granted by law and is made by methodologies developed by the contracting authorities. According to the contract with the contracting authority the holder of the grant is publicly liable for the way of managing the grant.

CHAPTER IX: Promoting Quality in Higher Education and Research

SECTION 1: General Provisions

Article 192

1. Ensuring the quality of higher education and university research is a fundamental obligation of the higher educational institution and a fundamental attribution of the Ministry of Education, Research, Youth, and Sports. In achieving this task, the Ministry of Education, Research, Youth, and Sports cooperates with ARACIS, other agencies enlisted in the EQAR, as well as with CNCS, CNATDCU, Council for Academic Ethics and Management (CEMU) and other organisms with competences in this area, in compliance with the legislation in force.

1^1. The services of external quality assurance in higher education provided in Romania by national or international agencies registered with EQAR are regulated in a methodology approved by Order of the Minister of Education, Research, Youth and Sports.

► *(on 15-Dec-2016 Article 192, Paragraph (1) of Title III, Chapter IX, Section 1 supplemented by Article I, Point 6. of Expeditious Ordinance 96/2016)*

► *(on 06-Jan-2017 Article 192, Paragraph (1^1) of Title III, Chapter IX, Section 1 see implementation guidelines of Order 6154/2016)*

2. The higher educational institutions are required to provide the Ministry of Education, Research, Youth and Sports with the data requested by it, in compliance with the legal provisions. Their refusal or reporting of false data is a breach of the principle of pubic liability and results in penalties, as provided by law.
3. The universities that refuse to make public the data requested by the Ministry of Education, Research, Youth, and Sports or by any other natural person or legal entity, are in breach of the principle of pubic liability and are sanctioned in compliance with the law.
4. Students are partners with full rights in the quality assurance process.

Article 193

1. Universities' assessment is made with the purpose of:
    a) temporary authorisation and accreditation;
    b) Ranking the educational programs and classifying universities.
2. The assessment for the temporary authorisation and accreditation is made by ARACIS or by another agency registered in the EQAR and is made in compliance with the law and the international standards in the area.
3. The assessment for the ranking of the educational programs and classifying universities is made based on an assessment methodology proposed by the Ministry of Education, Research, Youth, and Sports and approved by Government decision, within 6 months from enacting this law. The application of this methodology is the responsibility of the Ministry of Education, Research, Youth, and Sports. The assessment is performed periodically.
4. Universities are classified, based in the assessment provided at paragraph (3), in 3 categories:
    a) universities, mainly for education;
    b) universities for education and scientific research and artistic creation;
    c) universities of advanced research and education.
5. The assessment provided at paragraph (3) is made by a consortium including: ARACIS with student representatives, CNCS, CNATDCU and an international body with competences in the education institution ranking and classification selected based on a contest.
6. Notwithstanding Paragraph (5), the first assessment after enacting this law, made in compliance with Paragraph (3), may only be made an international body with competences in the higher education institution ranking and classification or a foreign quality assurance agency recorded in the EQAR.
7. For bachelor's and master's degree programmes, the funding of public higher education institutions form public sources is based on a developed by the Ministry of National Education in consultation with CNFIS and approved by order of the Minister of National Education.

► *(on 30-Dec-2013 Article 193, Paragraph (7) of Title III, Chapter IX, Section 1 amended by Article I, Point 28. of Expeditious Ordinance 117/2013)*

8. The state may finance the programmes for outstanding performance in any category of university.

9. The excellence programs provided in paragraph (8) are set based on the assessment provided at paragraph (3).

► *(on 30-Dec-2013 Article 193, Paragraph (9) of Title III, Chapter IX, Section 1 amended by Article I, Point 28. of Expeditious Ordinance 117/2013)*

9^1. Notwithstanding Paragraph (9), in the academic year 2012-2013, the excellence programmes provided for at Paragraph (8) are established based on the evaluation provided for at Paragraph (3).

► *(on 31-May-2012 Article 193, Paragraph (9) of Title III, Chapter IX, Section 1 supplemented by Article 1, Point 5. of Expeditious Ordinance 21/2012)*

► *(on 30-Dec-2013 Article 193, Paragraph (10) of Title III, Chapter IX, Section 1 abrogated by Article I, Point 29. of Expeditious Ordinance 117/2013)*

11. Notwithstanding Paragraph (10), in the academic year 2012-2013, the undergraduate, master and PhD programmes mentioned at Paragraph (4) are financed from public funds, taking into account the evaluation carried out according to Paragraph (3.

► *(on 31-May-2012 Article 193, Paragraph (10) of Title III, Chapter IX, Section 1 supplemented by Article 1, Point 6. of Expeditious Ordinance 21/2012)*

Article 194

1. In order to promote quality and increase the efficiency of the higher education system, and in order to increase international visibility, and for the concentration of resources, public and private universities may:
    a) constitute into university consortia, in compliance with the law;
    b) merge into one institution of higher education as a juristic person.
2. The universities that have been accredited by the date when this law is effected may initiate negotiations for setting up consortia or for merger by grouping or absorption. The Ministry of Education, Research, Youth, and Sports allocates financial resources preferentially to the financial consortiums of merged universities, in compliance with a methodology approved in this respect by order of the Minister Education, Research, Youth, and Sports at the proposal of CNFIS.
3. The merger by grouping or the absorption by merger shall be performed with priority around the institutions from the category of advanced research and education universities and taking into account the geographical proximity.
4. The study programmes of the higher education institutions shall be assessed periodically, upon the initiative of the Ministry of Education, Research, Youth, and Sports, or of the universities. The results of the assessment are made public for the information of the beneficiaries of education and for institutional transparency.

Article 195

1. Each university has the obligation to perform, at periods of 5 years, an internal assessment and classification of the departments on 5 levels of performance in research, in compliance with a framework methodology elaborated by CNCS and approved through order of the Minister of Education, Research, Youth, and Sports. The results of the assessment and classification shall be made public.
2. The university senate, upon proposal of the rector, based on the internal assessment, may decide the reorganization or dissolution of the poor performance departments or institutions, without impairing in any way the students

Article 196

The Romanian Government sets up the Romanian Institute of Advanced Studies, having as main objective to support the Romanian elite in the country and in the Diaspora. The methodology for its establishment is developed by the Ministry of Education, Research, Youth, and Sports and is adopted by Government decision, within 12 months from enacting this law.

Article 197

► (*on 09-May-2012 Article 197 of Title III, Chapter IX, Section 1 see implementation guidelines of Methodology of 2012)*

The state encourages excellence in the higher education through special financial mechanisms, existing in present law:

a) the universities are allocated, at the national level, an additional amount of minimum 30% of the amount allocated to the national public universities as basic financing, based on the quality criteria and standards set by the National Council for Financing Higher Education and approved by the Minister of Education, Research, Youth, and Sports;

b) public universities are allocated a separate fund for institutional development, from the budget of the Ministry of Education, Research, Youth, and Sports. The institutional development fund is intended to higher education institutions with the highest performance from each category and is allocated according to competitive criteria, based on international standards. The methodology for the allocation and use of the institutional development fund is developed by the Ministry of National Education and is approved by order of the Minister of National Education.

► (on *30-Dec-2013 Article 197, Letter B. of Title III, Chapter IX, Section 1 amended by Article I, Point 30. of Expeditious Ordinance 117/2013)*

► *(on 04-Dec-2014 Article 197, Letter B. of Title III, Chapter IX, Section 1 see implementation guidelines of Methodology of 2014)*

► (*on 18-Apr-2016 Article 197, Letter B. of Title III, Chapter IX, Section 1 see implementation guidelines of Order 3632/2016)*

SECTION 2: Supporting Individual Excellence

Article 198

The forms of support for the teaching staff, students and researchers with outstanding performance include:

a) study or research grants at universities in the country or abroad, granted through competition;

b) grants for performing and completing research, including PhD thesis;

c) approval certain flexible educational routes, that allow speeding up university studies;

d) creating support instruments and mechanisms for their professional insertion in the country, so that they capitalize at a high level both on their talent and the training acquisitions.

CHAPTER X: Promoting the Student-Focused University

SECTION 1: General Provisions

Article 199

1. The students are regarded as partners of the higher education institutions and members of equal standing of the academic community. In the religious education, students are members of the academic community as disciples.

2. A person gains the status of student and member of a university community only upon acceptance and being registered at an accredited or temporarily higher education institution.

3. A person can be accepted and registered as a student with two different higher education institutions at the same time, or no more than two study programmes of the same university. Any financial aid or scholarship is granted, in compliance with the legislation in force, solely in one higher education institution, for one single study programme. In the case of the students who transfer themselves between universities of educational programmes, the subsidies follow the student.

4. In order to test the knowledge and cognitive, artistic or sports abilities and acceptance for a bachelor, master or PhD programmes, higher education institutions organize admission exams for each programme and cycle of studies.

SECTION 2: Registering the Students. Single Register of University Transcripts.

Article 200

1. A higher education institution may accept and register for a study programme only the number of students for whom they can provide optimum academic quality and comfortable living conditions in the academic space.

2. The capacity available for enrolling students is made public by the rector of the institution of higher education through a statement given on own liability, observing the capacity of enrolling students set in compliance with Art. 138 paragraph 5.

3. Following acceptance to a study programme, the student and the university shall conclude a contract that specifies the rights and obligations of parties.

4. The universities that accept to their study programmes more students than their available capacity of enrolling students, approved in compliance with this law, break their public liability and shall be penalized with one or more penalties provided by present law.

Article 201

1. The Single Register of Transcripts of Romanian Universities, hereinafter referred to as RMUR shall be set up. RMUR is a digital database that records all students in Romania from public and private universities, accredited or with a temporary license. The Register of Transcripts of the universities becomes part of RMUR, ensuring a strict control of the diplomas.

2. The Ministry of Education, Research, Youth, and Sports, at the proposal of CNFIS, shall draft a Regulation for allocating the individual register code, well as the contents of the information to be recorded into the RMUR.

► *(on 01 -Feb-2014 Article 201, Paragraph (3) of Title III, Chapter X, Section 2 abrogated by Article 224, Point 4. of Title II of Law 187/2012)*

4. RMUR, the registers of transcripts of the universities and the corresponding IT systems shall be set up in no more than two years from adopting present law.

5. The digital database corresponding to RMUR records and keeps the record of university diplomas issued in Romania, based on the existing registers at the accredited universities.

Article 202

1. The principles that guide the activity of students in the university communities are as follows:

a) principle of non-discrimination – based on which all students benefit of equal treatment from the higher education institution; any direct or indirect discrimination of the student is forbidden;

b) principle of right to assistance and complementary services in higher education– expressed through: counselling and informing the student by the teaching staff, besides courses, seminars or labs; counselling with regards to professional guidance; psychological counselling, email account, access to the specific database of the field and to the database concerning their personal school record;

c) principle of participation in making decisions, based on which all major decisions within the higher education institution are taken with the participation of the representatives of the students;

d) principle of freedom of talk, based on which the students have the right to express freely their academic opinion, within the education institution where they study;

e) principle of transparency and access to information, based on which the students have the right of free access, and free of charge, to information that concerns their own educational course and the life of the academic community they are part of, in compliance with the provisions of the law.

2. In religious universities, the rights, freedom, and obligations of the students are set in compliance with the dogmatic and canonical criteria of each sect.

3. The rights, liberties and obligations of the students are included in the Code of rights and obligations of the student, proposed by the student associations and adopted by the Ministry of Education, Research, Youth, and Sports, by order of the Minister.

4. In religious universities, students are organized in compliance with the status dogmatic and canonical norms of the sect in question.

5. Each University shall set up a system for applying and monitoring the observance of the Code of rights and obligations of the student. The students' associations present a yearly report with regards to the observance of the Code. The report shall be made public.

Article 203

1. The students in public or private institutions of higher education have the right to set up workshops, clubs, science or literature clubs, arts and Sports clubs, publications, in compliance with the law.

2. Students may be elected democratically, by universal, direct and secret vote, at the level of various study formations, programmes, or cycles, both within faculties, as well as the level of the university. They are rightfully, legal representatives of students' interest, in each academic community. The higher educational institution does not get involved into the organization of the election process of student's representatives.

3. In religious universities, students are represented at the level of the academic community in compliance with the status of the specific dogmatic and canonical criteria of the respective cult.

4. The statute of representative student may not be conditioned by the university management.

5. Students may be represented in all the decisional and executive structures of the university.

6. National students' federations, legally established, are bodies expressing the interests of the students in the universities, in relation to the public institutions.

7. Students' organizations are, rightfully, legal representatives of students' interest in each academic community, where they can have legal representatives in the decisional and executive structures of the university.

8. The Ministry of Education, Research, Youth, and Sports shall cooperate, while developing higher education, with the national student federations set up according to law, and shall permanently consult them whenever it is necessary.

9. Students may participate in volunteer activities, for which they may get a certain number of credits, under the conditions set by the University Charter.

Article 204

1. Students coming from low income families benefit from a system of banking study loans, guaranteed by the state, under the conditions of the laws in force, through the Agency for Loans and Scholarship Grants. Loans may cover study taxes and the cost of life during the period of study.

2. The graduates that will practice their profession for a minimum of 5 years in rural environment shall be exempt from the payment of 75% of the loan, the respective amount being taken over by the state, in the maximum amount of 5000 lei.

3. The Agency for Loans and Scholarship Grants proposes appropriate regulations in order to grant credits.

Article 205

1. The students benefit from free health care and psychological assistance at the university medical centres and psychologists', or state medical centres and hospitals, in compliance with the law.

2. During the academic year, the students aged up to 26 enrolled in full time education in accredited higher education institutions are entitled to a 50% discount on local and national road, rail and naval transport. Orphan students or those coming from foster care benefit from free fare on all these means of transportation.

► **(***on 30-Dec-2013 Article 205, Paragraph (2) of Title III, Chapter X, Section 2 amended by Article I, Point 31. of Expeditious Ordinance 117/2013)*

2^1. Notwithstanding Paragraph (2), throughout the calendar year, the students enrolled in full time education in accredited higher education institutions are entitled to free national rail transport, on all categories of trains, 2^{nd} class.

► (*on 06-Jan-2017 Article 205, Paragraph (2) of Title III, Chapter X, Section 2 supplemented by Article 4, Point 1. of Expeditious Ordinance 2/2017)*

3. Within the limit of the approved budget, the students benefit from free access to museums, concerts, theatre performances, opera, movies and other cultural and Sports events organized by public institutions, within the limit of the budgets.

4. Romanian citizen students that study abroad with a scholarship granted by the Romanian state, benefit from all performances listed at point (3), which are performed in Romania.

5. The higher education institutions have the right to grant, in addition to the approved number of students to enrol, at least one place for free of charge tuition to the graduates with a baccalaureate diploma coming from foster care, under the conditions set by the senate of the university.

6. Candidates coming from environments with high socioeconomic risk or socially marginalized – Roma people, high school graduates in the rural environment or cities with less than 10,000 inhabitants – may benefit from a number of guaranteed budgeted places, in compliance with the law.

7. The extracurricular – scientific, technical, cultural, artistic and Sports – activities, as well as those for the students able to give high performance, are financed from the state budget, according to the norms set by the Ministry of Education, Research, Youth, and Sports. Other sources of funding can also be used for this purpose..

► *(on 23-Aug-2012 Article 205, Paragraph (7) of Title III, Chapter X, Section 2 see implementation guidelines of Methodological Rules of 2012)*

8. The provisions of point (6) apply also for art, Sports and leisure camps of students.

9. The status of student paying the tuition fee is changed under the conditions set by the senate of the university.

10. The Ministry of Education, Research, Youth, and Sports may grant yearly scholarships for university or postgraduate studies abroad, from funds set up for this purpose. These scholarships are granted following a competition organized at national level.

11. Students and graduates of public and accredited private higher education institutions may take part in the competitions organized for granting the scholarships according to the provisions of point (10).

12. The maintenance costs of boarding schools, students' homes and canteens of the universities meant for students are covered from the own revenues of the respective higher education institutions and from subsidies from the state budget intended for this purpose.

13. The fees charged by the universities for students at the students' homes and canteens shall be at most equal to the difference between the operational costs, including the staff costs, the costs of the utilities, the costs with the raw materials and consumables and the daily maintenance costs, or the subsidies from the Government budget.

14. In order to ensure transparency, the public state university publishes the profit and loss account for each boarding school.

15. Subsidies may also be granted for accommodation to students who choose another form of accommodation than the students' homes of higher educational institutions.

16. Within the limit of their own financial resources the public higher education institutions ensure meals, accommodation and transport costs for the intensive practical training of the students, for periods foreseen in the curricula, in case the practical training is realized outside of the respective university centre.

17. All the study diplomas issued by the university, as well as those attesting the student status (certificates, books, identification cards) are issued free of charge

Article 206

1. The Romanian state shall grant yearly, by government decision, a number of scholarships for the tuition of foreign students. These scholarships shall be granted only to public or private universities and study programmes that meet the highest quality standards.

► (*on 20-Jan-2012 Article 206, Paragraph (1) of Title III, Chapter X, Section 2 see implementation guidelines of Decision 4/2012)*

2. 5 % of the tuition fees charged in hard currency to foreign students and trainees by public higher education institutions will be paid up to the Ministry of National Education.

► (*on 30-Dec-2013 Article 206, Paragraph (2) of Title III, Chapter X, Section 2 amended by Article I, Point 32. of Expeditious Ordinance 117/2013)*

CHAPTER XI: University Management

SECTION 1: general Provisions

Article 207

1. The management structures in public or private higher education institutions are:
    a) University Senate and Board of Directors at the university level;
    b) The Faculty Council;
    c) The Department Council.
2. The management positions are the following:
    a) rector, pro-rectors, general administrative director, at university level;
    b) dean, pro-deans, at university level;
    c) head of department, at department level.

2[1]. The management positions listed in Paragraph (2) are positions in the education system that do not involve public power prerogatives.

2[2]. The positions listed in Paragraph (2) are not public functions of authority. The specific educational activities carried out by these functions are:

a) fulfilling the education institution's mission to generate and transfer knowledge to the society;
b) organise the delivery of study programmes in which the central element is quality assurance, with a view to personal development and professional insertion of the individual and to meeting the needs for skills of the social-economic environment;
c) organise the process of acquisition of qualifications correlated with the labour market needs;
d) efficient management of educational, research, production or cognitive and technical transfer activities;
e) prepare and implement projects financed from internal or internal sources of the university;
f) adequately support the members of the academic community;
g) international cooperation activities of the higher education institution;
h) ensure academic freedom of teaching, auxiliary and research staff, as well as of the students' right and liberties;
i) uphold university autonomy, decision and activity transparency and academic equity and ethics;
j) provide and manage physical and human resources, observing the legal regime on conflicts of interest and the applicable regulations;
k) ensure that the higher education institution meets the requirements for carrying out research, development innovation and technological transfer activities, through individual and collective creation in the field of sciences, engineering arts and letters, by ensuring physical and athletic performances, as well as by capitalising on and disseminating the outputs of such activities to generate, transmit and use knowledge.

► (*on 30-Jun-2014 Article 207, Paragraph (2) of Title III, Chapter XI, Section 1 supplemented by Article I, Point 49. of Expeditious Ordinance 49/2014)*

3. IPDS is managed by the Council for University PhD Studies, or by the director of this council. The position of Council director for University PhD Studies is assimilated to the position of pr-rector. The procedure of appointing the manager of the Council for University PhD Studies is set by the Code of University PhD Studies.

4. At department level, the head of department and its board shall be determined by universal, direct and secret suffrage held by all teachers and researchers.

5. At university level, the management structures and positions are established by the following procedure:

   a) the composition of members of the faculty is of maximum 75% teaching and research, at least 25% students respectively. The representatives of teaching and research staff in the Faculty Council are elected by universal direct and secret suffrage by all teaching and research staff and holding permanent positions in the faculty and student representatives are elected by universal direct and secret, suffrage by the students of the faculty;

   b) deans are selected through public competition organized by the new rector of the university at the level of faculties. The competition is open to people from the university or any college of its kind in the country or abroad who, based on the plenary hearing of the faculty council, received it's acceptance to take part to the contest. Faculty Council is obliged to approve a minimum of 2 candidates;

   c) the dean shall appoint the pro-deans after being appointed by the Rector;

   d) in multilingual and multicultural universities, at least one of the vice-deans is appointed at the proposal of the teaching staff belonging to the minority in the section department or in the line with tuition in a language of the national minorities, according to the line of study in compliance with Art. 135 paragraph (2), except for the case when the dean works in the study section or line with tuition in the language of the national minority in question. The teaching staff working in the study section or line in question must propose at least 3 candidates.

6. The government council of the doctoral school is elected through the universal, direct and secret suffrage of the PhD tutors.

7. The process of establishing and electing management structures and positions at the level of the university, faculties and departments, must observe the representation principle in faculties, departments, teaching sections/lines, programmes of studies, as the case may be, and is set by the university Charter.

8. In the case of the confessional universities, the individuals elected in management positions require the approval of the founding cult.

Article 208

1. The Academic Senate is composed of 75% teaching and research staff and 25% students' representatives. All the members of the university Senate, with no exception, will be elected by universal, direct and secret suffrage of all the teaching and research staff holding permanent positions, respectively of the students. Each faculty will have representatives in the university Senate, on representation shares stipulated in the university Charter. In the case of the confessional universities, the Senate will be organised in compliance with the statute and the specific dogmatic and canonical criteria of the founding sect.

2. The senate's president is elected through secret suffrage; he is to lead the senate's meetings and to represent it in the relationship with the rector.

3. The senate establishes special committees that monitor and control the activity of the executive management of the higher educational institution and of the Board of Directors. Monitoring and inspection reports are presented and discussed regularly in the University Senate's meetings, underlying the Senate's resolutions.

Article 209

** (on 03-May-2011 Article 209 of Title III, Chapter XI, Section 1 see implementation guidelines of Order 4062/2011)*

1. Public and private university rectors are appointed by one of the following methods:
    a) based on public contest, according to a methodology approved by the newly elected University Senate, in compliance with this law or,
    b) by universal, direct and secret suffrage of all the teaching and research staff holding permanent positions within the university and of the students' representatives from the university Senate and the councils of the faculties.
2. The method of appointing the rector is chosen from those provided in paragraph (1), is determined with at least 6 months before the appointment of each rector, by universal, direct and secret suffrage of all the teaching and research staff holding permanent positions within the university and of the student's representatives in the university Senate and in the councils of the faculties.

Article 210

1. In the method chosen for appointing the rector is the one based on pubic contest, the appointment procedure us the one resented in this Article.
2. The newly elected University Senate establishes a selection and recruitment commission made of 50%, members of the university, and 50% scientific and academic personalities from outside the university, from the country or from abroad. Such commissions includes at least 12 members one of whom, at least, is a representative of the students or a graduate from the university in question appointed from among the students in the Senate in compliance with the university Charter. Moreover, the newly elected University Senate develops and approves the rector notification, selection and recruitment methodology, in compliance with the law.
3. The public contest for the appointment of the rector is performed based on the methodology provided in paragraph (2). The contest commission is the selection and recruitment commission provided in paragraph (2).
4. On competition for filling the position of rector may attend any scientific or academic personalities from Romania and abroad, who, based on the hearing by the newly elected University Senate, were approved to take part into the contest. The approval is made solely based on the vote of the simple majority of the members of the newly elected University Senate. The newly elected University Senate has the obligation to approve at least 2 candidates. The candidates approved by the newly elected University Senate subsequently takes part into the contest organised in compliance with paragraph (3).

Article 211

1. The rector, appointed in compliance with Art. 209, is confirmed by order of the Minister Education, Research, Youth, and Sports, within 30 days from the date of his/her selection. After issuing the confirmation order, the rector may sign any official writs, documents financial and accounting documents, diplomas and certificates.

2. The rector confirmed by the Minister of Education, Research, Youth and Sports, based on the university's senate consultation, shall appoint the pro-rectors. In multilingual and multicultural universities at least one of the pro-rectors is appointed by the rector at the proposal of then teaching staff belonging to the national minorities in the section or line of the department with tuition in a language of the national minorities, with the exception of the case in which the rector works in the study section or line with tuition in the language of the respective national minority. The teaching staff working in the study section or line in question must propose at least 3 candidates.

3. The Rector confirmed by the Minister concludes with the University Senate a management contract, which includes the management performance criteria and indicators and the contractual rights and obligations of the parties.

3^1. If the rector is a member in the Government or a secretary of state, than he/she is required to suspend himself/herself from the position as rector for the time in such official position.

(on 19-Dec-2012 Article 211, Paragraph (3) of Title III, Chapter XI, Section 1 supplemented by Article I, Point 9. of Chapter I of Expeditious Ordinance 92/2012)

4. The deans are selected by public contest organized by the new rector and validated by the University Senate. Candidates approved by the Council of the faculty by vote of the simple majority of its members and compliance with the specific methodology elaborated by University Senate may take part into the contest. The Council of the faculty validates at least 2 candidates.

5. The general administrative director is kept on his/her position based on the written agreement for the executive support of the managerial plan of the new rector.

6. The administrative board of public universities is comprised of the rector, the pro-rectors, the deans, the general administrative director and one student. In universities where employees are organised in trade unions, one representative of the union will also participate as observer in the meetings of the board.

► *(on 30-Jun-2014 Article 211, Paragraph (6) of Title III, Chapter XI, Section 1 amended by Article I, Point 50. of Expeditious Ordinance 49/2014)*

7. The administrative board of private universities is appointed by the founders.

Article 212

1. The private university's confirmed rector signs an institutional contract with the Minister of Education, Research, Youth, and Sports.

2. The rector may be dismissed by the University Senate, as specified in the contract of management and University Charter.

3. The Minister for Education, Research, Youth, and Sports may revoke the confirming order of the rector in compliance with Art. 125.

SECTION 2: Responsibilities of the University Senate, Rector, Administrative Board, Dean and Department Manager

Article 213

1. The University Senate represents the academic community and is the highest decision-making and deliberation forum at university level.

2. The senate's responsibilities are:

    a) grants academic freedom, and university autonomy;

b) elaborates and adopts, upon debates with the academic community, the University Charter;

c) approves the strategic plan of institutional development and operational plans, at the proposal of the Rector;

d) approves at the Rector's proposal and in compliance with the legislation in force, the structure, the organization and functioning of the university;

e) approves the budget and its execution;

f) elaborates and approves: quality assurance and academic ethics codes;

g) adopts the student's rights and obligations code, in compliance with the provisions of the student's rights and obligations code;

h) approves the methodologies and regulations on organization and functioning of the university;

i) signs the management contract with the rector;

j) controls the activity of the Rector and Board of Directors though specialised committees;

k) validates public competitions for positions in the administrative board;

l) approves the methodology and the results of the competitions employment of the research and teaching staff and periodically evaluates human resource;

m) approves, at the Rector's proposal, the sanctioning of personnel with low performance according to their own methodology and to the legislation in force;

n) other responsibilities, in compliance with the University Charter.

3. The membership and size of the University Senate are established by the University Charter, so as to ensure efficient decision-making and representative academic community.

4. The mandate of the university senate is 4 years. The term of office of a member of the university senate is 4 years. In the case of students, the term of office is laid down in the University Charter.

► (*on 30-Jun-2014 Article 213, Paragraph (4) of Title III, Chapter XI, Section 2 amended by Article I, Point 51. of Expeditious Ordinance 49/2014)*

5. The senate may be convened by the Rector, at the request of at least one third of the senate's members.

6. The rector is the legal representative of the university in relationships with third parties and executive leadership of the university. The rector is the authorizing credit officer of the university. The rector shall have the following responsibilities:

a) manages the university, under the management contract's terms;

b) negotiates and signs the institutional contract with the Ministry of Education, Youth and Sports;

c) signs the management contract with the University Senate;

d) proposes for approval by the Senate the structure and the regulations of functioning of the university;

e) proposes for approval to the senate the budget draft and the report on budget execution;

f) in the month of April of each year, submits to the Senate the report mentioned in Art. 130 paragraph (2). The senate validates the report mentioned above, in based on the essays made by its specialized committees. These documents are public;

g) leads the administrative board;

h) performs other duties determined by the Senate, in accordance with the management contract, the University Charter and the legislation in force.

7. The term of office of the rector is of 4 years. A person may not be rector in the same higher education institution for more than two full, successive terms of office.

► (*on 30-Jun-2014 Article 213, Paragraph (7) of Title III, Chapter XI, Section 2 amended by Article I, Point 51. of Expeditious Ordinance 49/2014)*

8. The attributions of the pro-rectors, the number and duration of their mandates are established by the University Charter.

9. The dean represents the faculty and is responsible for its management and leadership. The dean presents an annual report to the Teachers' Council regarding the state of the faculty. The dean leads the faculty council meetings and applies the decisions of the Rector, the administrative board and the Senate. The dean attributions are determined in accordance with the University Charter and legislation in force.

10. The faculty council is the deliberative decision-making body of the faculty. It has the following attributions:

a) approves at the proposal of the dean, the structure, organization and functioning of the faculty;

b) approves the study programmes managed by the faculty;

c) controls the activity of the dean and approves his annual reports on faculty status, quality assurance and compliance with university ethics at faculty level;

d) performs such other attributions as provided by the University Charter or approved by the senate and in accordance with existing legislation.

11. The head of department manages the department. In exercising this function he is helped by the department board, in compliance with the University Charter. The head of department is responsible for the curriculum, the personal establishments, research and quality management, financial management of the department.

12. The selection, hiring, evaluation, training, motivation and termination of the contractual work relations of the department's staff is the responsibility of the head of the department, of the manager of the Doctoral Organizing University or of its dean, in compliance with the provisions of the University Charter.

13. The university board ensures, under the leadership of the rector, or of another person designated through the University Charter, in the case of the private and private confessional universities, the operational management of the university and applies the strategic decisions of the University Senate. Moreover, the board:

a) sets the budget of the institution in terms of operations;

b) approves the budget execution and the annual balance;

c) approves the proposals made for organising contests for teaching and research positions;

d) endorses the proposals of new educational programmes and submits proposals to the University Senate for the discontinuation of the educational programmes which no longer fit into the mission of the university or which are academically and financially inefficient;

e) approves the financial operations that exceed the ceilings set by the University Senate, in public universities, or by the founders, in private universities;

f) proposes to the University Senate long- and medium term strategies of the university and policies on university areas of interest.

14. Students have at least one representative in the ethics, accommodation, quality assurance and other social committees.

Article 214

1. The management functions of the rector, the pro-rector, the dean, the vice-dean, the head of department or research unit, design, or micro-production are not cumulative

2. In case of vacancy of a management position, partial elections are organized, for the position of head of department, or a public competition is organized, according to the University Charter stipulations, no later than 3 months from the position becoming vacant. The manner of designating the rector – one of then options set forth in Art. 209 (1) – decided upon at the time of the general elections, remains in force.

► (*on 30-Jun-2014 Article 214, Paragraph (2) of Title III, Chapter XI, Section 2 amended by Article I, Point 52. of Expeditious Ordinance 49/2014)*

3. The number of pro-rectors and vice-deans of higher education institutions are established by the University Charter.

4. The functions and powers of the structures and of the management positions in higher education are established by the charter of the university institution, by law. The decisions of the university senates, faculty councils and departments, shall be taken by the majority vote of the members present, if their number is at least 2 / 3 of the total number of members. Members of the management structures have equal deliberative vote.

5. The university administrative structure is headed by a director and is organized in directions. The administrative position of general director is occupied through competition organized by the higher education institution. Chairman of the contest's commission is the rector of the institution. Compulsory, a member of the contest's commission must be a representative of the Ministry of Education, Research, Youth, and Sports. Validation of the contest is done by the university senate and the appointment in function by of the Rector.

6. The research and development units are headed by directors of these units, in compliance with the University Charter.

7. Under University Charter stipulations, the university may develop its advisory structure consisting of representatives of the economic environment and personalities from external academia, cultural and professional areas.

► *(on 19-Dec-2012 Article 215 of Title III, Chapter XI, Section 2 abrogated by Article I, Point 10. of Chapter I of Expeditious Ordinance 92/2012)*

SECTION 3: Role of the State in Higher Education

Article 216

The State exercises his powers in higher education through Parliament, Government and the Ministry of Education, Research, Youth, and Sports.

The Ministry of Education, Research, Youth, and Sports has the following main attributions:

a) proposes the national policies and strategies for higher education as part of the European Higher Education Area

b) develops regulations for the organization and functioning of higher education system;

c) monitors directly or through competent bodies the compliance with the regulations on organization and functioning of higher education, academic research, financial management, academic ethics and quality assurance in higher education;

d) manages the periodic process carried out for the evaluation of the universities and ranking their educational studies;

e) controls the management of RMUR;

f) organizes recognition and equivalence of diplomas and certificates in compliance with the national and European standards; draws up the methodology though which diplomas and certificates obtained in universities of the European Union member states, of the Economic European Area, and of the Swiss Confederation, as well as in prestigious universities from other states, may be automatically recognised, based on a list approved and updated by the Ministry of Education, Research, Youth, and Sports; organizes the implicit recognition of university teaching positions and of the quality of PhD mentor, in compliance with its own methodology; collects amounts, in lei or in a foreign currency, for the recognition and validation of diplomas and certificates and for the approval of the study documents;

► (*on 05-Oct-2011 Article 216, Paragraph (2), Letter F. of Title III, Chapter XI, Section 3 see implementation guidelines of Methodological Rules of 2011)*

► *(on 10-May-2012 Article 216, Paragraph (2), Letter F. of Title III, Chapter XI, Section 3 see implementation guidelines of Methodology of 2012)*

► *(on 07-Dec-2016 Article 216, Paragraph (2), Letter F. of Title III, Chapter XI, Section 3 see implementation guidelines of Order 5825/2016)*

g) elaborates the budget draft for higher education as part of the education budget and research budget;

h) checks and manages the national system of indicators and databases suitable for monitoring and forecasting its evolution in relation to the labour market;

i) supports studies and research on higher education;

j) publishes an annual report concerning the higher education status.

Article 217

1. For exercising its duties, the Ministry of Education, Research, Youth, and Sports sets up experts records and is supported by specialized bodies nationwide, established based on professional prestige and moral criteria: National Council of Statistics and Forecast of Higher Education (CNSPIS), National Council for Attestation of Degrees, Diplomas and Educational Certificates (CNATDCU), National Council of Scientific Research (CNCS), Advisory Board for Research, Development and Innovation (CCCDI), National Council of Higher Education Funding (CNFIS), National Council of University Libraries (CNBU) and the University Ethics and Management Board (CEMU) and National Council of Ethics for Research, Technological Development and Innovation (CNECSDTI). The members of these bodies may be teaching staff and researchers, having at least the title of reader or 2nd degree scientific researcher, or equivalent titles received abroad, members of the Romanian Academy and of cultural institutions, as

well as one member student in the CEMU and CNCU and one student who is an observer in the CNFIS, or representatives of the business environment in the CCCDI or observers in the CNFIS.

2. The Councils mentioned in paragraph (1) have a technical secretariat that is established and operates by order of the Minister Education, Research, Youth, and Sports.

3. The establishment, organization and operation regulations, structure and composition of the specialized organisms provided in paragraph (1) are regulated by order of the Minister Education, Research, Youth, and Sports, in compliance with the law. Their budgets are managed through the Executive Unit for the Financing of Higher Education, of Research, Development and Innovation, UEFISCDI, and is constituted on a contractual basis between the Ministry of Education, Research, Youth, and Sports and UEFISCDI or other legally constituted sources, managed by UEFISCDI.

► (on *27-Oct-2011 Article 217, Paragraph (3) of Title III, Chapter XI, Section 3 see implementation guidelines of Regulation of 2011) / (on 04-nov-2011 Article 217, Paragraph (3) of Title III, Chapter XI, Section 3 see implementation guidelines of Regulation of 2011)*

► (on *21 -May-2012 Article 217, Paragraph (3) of Title III, Chapter XI, Section 3 see implementation guidelines of Regulation of 2012) / (on 08-Jun-2012 Article 217, Paragraph (3) of Title III, Chapter XI, Section 3 see implementation guidelines of Regulation of 2012)*

3^1. Notwithstanding the inclusion of the fee for theses evaluation in the budget of the National Council for Attestation of University Titles, Diplomas and Certificates (CNATDCU) [managed by UEFISCDI, as provided for in Paragraph (3)], the fee is determined by the university senate, on proposal from the board, or by the Presidency of the Romanian Academy, as the case may be. The fee is cashed in by the higher education institutions providing PhD programmes or by the Romanian Academy, as the case may be.

► *(on 30-Dec-2014 Article 217, Paragraph (3) of Title III, Chapter XI, Section 3 supplemented by Article I, Point 13. of Expeditious Ordinance 94/2014)*

4. by order of the Minister Education, Research, Youth, and Sports, CNCS is established through the reorganization of the National Council of Research in Higher Education

► *(on 19-Apr-2012 Article 217, Paragraph (4) of Title III, Chapter XI, Section 3 see implementation guidelines of Regulation of 2012)*

Article 218

1. The National's Council of Higher Education Statistics and Forecast main responsibilities are the development and continuous updating of higher education indicators for monitoring and forecasting its evolution in relation to labour market dynamics. This council publish the annual data corresponding to these indicators.

2. The University Ethics Board is acting as a last resort in resolving academic ethics disputes and has as main duties:

   a) monitoring the achievement of academic ethics at the higher education system's level;

   b) auditing ethics committees of universities and presenting an annual report on academic ethics. This report is made public;

   c) finds the breach of the obligations provided in this law by the higher educational institutions;

d) draws up and publishes the Reference Code of Academic Ethics and Deontology, which is a public document. In arbitrating litigations, the University Ethics and Management Board is based on the principles and procedures elaborated in this document.

3. The and National Council of Ethics for Research, Technological Development and Innovation is the body provided by Law no. 206/2004 on the good conduct in scientific research, technological development and innovation, with the subsequent amendments and completions.

Article 219

1. CNATDCU has the following responsibilities:

a) proposes a set of necessary and mandatory minimum criteria for bestowing teaching degrees of higher education and of the professional research and development degrees, of the PhD mentor competence and of the competence certificate, by the universities. These standards are adopted by order of the Minister National Education and Research. The minimal standards for the acceptance, by the CNATDCU, of the file submitted for obtaining the competence certificate are not dependant upon the teaching position or the professional degree of the candidate.

► *(on 15-Dec-2016 Article 219, Paragraph (1), Letter A. of Title III, Chapter XI, Section 3 amended by Article I, Point 7. of Expeditious Ordinance 96/2016)*

b) proposes the methodology provided in Art. 295 paragraph (1);

c) audits annually at the request of the Ministry of Education, Research, Youth, and Sports, by his own initiative, the conduct of competitions for filling of teaching and research positions in universities. Institutional audit report is submitted to the Minister of Education, Research, Youth, and Sports, stating conclusions based on data and documents;

d) presents an annual report to the Ministry of Education, Research, Youth, and Sports on the teaching and research human resource in higher education, based on specific indicators. This report is made public;

e) other attributions set by the law or in the organisation and operation regulations.

2. CNFIS has the following main responsibilities:

a) proposes the funding university methodology and establishes the equivalent average cost per student on cycles and fields of study;

b) periodically audits, at the request of the Ministry of Education, Research, Youth, and Sports or on its own initiative institutional development projects and effective management of public funds of the universities and makes proposals for complementary funding to universities based on institutional projects;

c) presents to the Ministry of Education, Research, Youth, and Sports an annual report on the state of higher education financing and optimization measures to be taken. This report is made public

3. CNCS has the following main responsibilities**:**

a) establishes standards, criteria and indicators of quality for scientific research in higher education, approved through order of the Minister of Education, Research, Youth, and Sports;

b) periodically audits, at the request of the Ministry of Education, Research, Youth, and Sports or his own initiative, the scientific research in universities or in the research and development units;

c) manages research programmes and evaluation processes for research projects proposed for competitive financing;

d) presents to the Ministry of Education, Research, Youth, and Sports an annual report on the state of scientific research in higher education and university performance. The report made public and it shall be posted on the website of CNCS.

4. The National Council of University Libraries (CNBU) has responsibilities for strategy development, regular evaluation and coordination of higher education libraries system.

Article 220

1. For the monitoring of the managerial efficiency, of the equity and relevance of higher education for the labour market, within maximum 12 months from enacting this law, a system of reference statistical indicators will be developed for higher education, correlated with systems of European reference statistical indicators in the area.

2. The system of indicators will be developed by the Ministry of Education, Research, Youth, and Sports, upon consultation with the National Council of Statistics and Forecast of Higher Education, a ARACIS, CNCS, the National Council of Higher Education Funding (CNFIS), CNATDCU and the National Authority for Qualifications, which will be adopted by Government decision. The annual report on the status of higher education is based on the indicators provided in paragraph (1).

Article 221

1. The Ministry of Education, Research, Youth, and Sports carries out its competence in research through the National Authority for Scientific Research, in compliance with the law.

2. In exercising his powers, the Ministry of Education, Research, Youth, and Sports works together with the National Council of Rectors and other associative organisations of universities, representative national and international professional and scientific authorities and associations, representative trade union federations at branch level and from higher education, and with student federations legally constituted on national level. The representatives of these entities are social dialogue partners.

► *(on 15-Dec-2016 Article 221, Paragraph (2) of Title III, Chapter XI, Section 3 amended by Article I, Point 8. of Expeditious Ordinance 96/2016)*

CHAPTER XII: Financing and Assets of Universities

SECTION 1: General Provisions

Article 222

1. The public high education system is free, for the number of students approved by the government, and with a tuition fee, as provided for by Law.

2. In the free public high education system there are taxes for: exceeding the duration of schooling provided by the law, admittances, registrations, re-registrations, re-examinations, and other forms of evaluation that exceed the education plans. Also activities which are not included in the education plan, compliant to the methodology approved by the university Senate.

3. The financing of the public high education system is ensured from public funds in keeping with the following demands:

    a) to consider the high education system as being public responsibility and the overall education system as being a national priority;

    b) to assure higher education quality standards accordingly to the European Higher Education Area for training human resources and personal development as citizens of a democratic society based on knowledge;

c) to assure human resources professional development in accordance with labour market diversification;

d) to assure the development of higher education and scientific research and artistic creation at leading universities to integrate the global scientific life.

4. The annual budget execution of higher education institutions is made public.

5. Public higher education funding can be realized on contract basis and the contribution of other ministries, for those higher education institutions that prepare professionals depending on the requirements of ministries concerned and other sources, including loans and foreign aid.

6. All resources of financing public universities are own incomes.

7. State accredited private higher education can support accredited private higher education.

8. Public private and confessional higher education institutions can receive donations from home and abroad, in compliance with the legislation in force.

Article 223

1. Public higher educational institutions operate as institutions financed with funds from the state budget, extra-budgetary incomes and other sources, in compliance with the law.

2. The incomes of such institutions are made of amounts allocated from the budget of the Ministry of Education, Research, Youth, and Sports, on a contractual basis, for the basing financing, complementary financing and supplementary financing, achieving investment objectives, funds allocated on a competitive basis for institutional development, for funds allocated on a competitive basis for inclusion, student scholarships and social protection, as well as from own incomes, interests, donations, sponsorship, and fees charged in compliance with the law, from Romanian or foreign natural persons am legal entities, as well as from other sources. Such incomes are used by higher educational institutions, under the terms of university autonomy, in order to achieve their objectives within the state policy on academic education and research.

3. Additional financing from public funds is granted by the Ministry of Education, Research, Youth, and Sports to encourage excellence for educational institutions and programmes, both for public universities, as well as private ones. Additional financing is granted in compliance with the provisions of Art. 197 letter a).

4. The Ministry for Education, Research, Youth, and Sports will provide basic funding for public universities through research grants based on the equivalent average cost per student, per study area, per study cycles, and per tuition language. Study grants will be allocated to priority areas that ensure sustainable development and competitive society and within the domain, to the better placed programmes in the hierarchy of their quality, and the number of grants and studies allocated to a programme varies based on the position of the programme in this hierarchy.

5. The base funding is carried out on a multi-annual basis, and is provided throughout an education cycle.

6. Complementary funding is granted by the Ministry of Education, Research, Youth, and Sports through:

a) subsidies for accommodation and boarding;

b) funds allocated based on priorities and specific norms for endowments and other costs of investments and overhauls;

c) funds allocated on competitive basis for academic scientific research.

7. University funding is based on an institutional agreement between the Ministry of Education, Research, Youth, and Sports and universities, as follows:

   a) an institutional agreement for the basic financing, for the student scholarship and social protection fund, for the institutional development fund, as well as for the financing of the investment objectives;

   b) a complementary agreement for the financing of overhauls, for endowments and other investment costs, as well as for subsidies for accommodation and boarding;

   c) the institutional and complementary agreements are periodically audited by the Ministry of Education, Research, Youth, and Sports and by CNFIS.

8. Academic scientific research is financed in compliance with the provisions of Ordinance no. 57/2002 on scientific research and technological development, with the subsequent amendments and completions, and with the specific laws on research and development.

9. The funds for student scholarships and social protection are allocated according to the number of students in full time, no fee education.

9^1. The scholarship and social protection money for students is in amount of 201 lei/month for the entire duration of the academic year (12 months) / student in full time, no fee education.

** (on 17-Jun-2017 Article 223, Paragraph (9*1) of Title III, Chapter XII, Section 1 amended by Article I of Law 137/2017)*

9^2. The amount in Paragraph (9^1) may be amended by Government decision.

> (on 06-Jan-2017 Article 223, Paragraph (9) of Title III, Chapter XII, Section 1 supplemented by Article 4, Point 2. of Expeditious Ordinance 2/2017)

10. Students receive performance or merit scholarships, to encourage excellence, and social grants, to support low-income students. The minimum amount of social scholarships is proposed by CNFIS on an annual basis, by taking into account the fact that they must cover minimum food and accommodation.

11. Universities may supplement the scholarship fund from own extra-budgetary funds.

12. Institutional and complementary contracts provide for the allocation of funds from the state budget to higher education institutions. Supplementary funding is allocated through the institutional contract, and the complementary funding provided for at Paragraph (6) a) and b) is approved by the Minister of Education and Research.

> (on 30-Dec-2014 Article 223, Paragraph (12) of Title III, Chapter XII, Section 1 amended by Article I, Point 14. of Expeditious Ordinance 94/2014)

13. The rectors of public universities, by institutional agreement concluded with the Ministry of Education, Research, Youth, and Sports, are directly responsible for the institution's resource allocation, priority to the high-performance departments.

Article 224

The Romanian State may grant scholarships for the support of Romanian citizens who study in neighbouring countries and of Romanian citizens who live abroad on a permanent basis, and who wish to study within Romanian public educational facilities and institutes.

Article 225

1. Masters and PhD programmes in science and advanced technologies, those that take place in international languages, and also co-tutoring with prestigious universities from abroad enjoy preferential financing, granted in compliance with the proposals of CNFIS.
2. Remaining funds at the end of the year from the budget execution stipulated in the institutional agreements and also funds related to scientific research academic and extra-budgetary revenue, remain available to universities and are included in the revenues and expenditures budget of the institution, without amounts payable to the state budget and without affecting allocations form the state budget for next year.

Article 226

1. Public and private universities have their own assets, which they manage in compliance with the law.
2. Rights of universities on their property may be real rights, where appropriate ownership rights or its separations (use, usufruct, servitude, superficies, etc.) according to the provisions of the civil code, right of use acquired by rental, lease, loan, etc. or administration rights according to law.
3. In the universities property may receivable may also exist, arising from contracts, conventions or judicial decision.
4. Public universities may have movable and immovable in their assets from the state's public or the private sector.
5. The subjective rights of the universities on the goods from the property of the state public sector may be rights of management, use, lease or rental according to law.
6. By Government decision, goods from the state public sector can be passed into private ownership of state and sent to public universities, according to law.
7. Public universities have ownership rights over the goods from the private property this law comes in effect. The Ministry of Education, Research, Youth, and Sports is empowered to issue certificates attesting the ownership right for public universities based on the documentation submitted by them.
8. Ownership right of the public universities on the goods specified in paragraph (7) is exercised in the conditions stipulated by the University Charter, observing the provisions of the common law.
9. Ownership right over immovable goods and other real rights of public universities are placed under real estate advertising procedure provided by special legislation in this area.
10. In case of dissolution of a public university, owned property, remaining after liquidation, are passed in the private property of the state.
11. Private universities are holding ownership rights or other real rights they have over their assets, in the conditions provided by the law.

SECTION 2: Private Higher and Confessional Education Organization and Operation

Article 227

1. Private higher educational institutions and private higher confessional educational institutions shall be:
    a) founded at the initiative and with the physical and financial resources of private individuals, groups of private individuals, foundations, associations, religious sects, or other education providers, acknowledged as such, in compliance with this law;

► (*on 30-Jun-2014 Article 227, Paragraph (1), Letter A. of Title III, Chapter XII, Section 2 amended by Article I, Point 53. of Expeditious Ordinance 49/2014)*

b) juristic persons under private law.

2. Private higher educational institutions have academic autonomy, in compliance with this law, and economical and financial autonomy, having as a basis their private property guaranteed by the Constitution.

3. The private university and private confessional university structures, their responsibilities, terms of offices, and other legal aspects related to their status are set by the University Charter, endorsed by founders and approved by the university Senate. The decisions lie with the university.

► *(on 30-Jun-2014 Article 227, Paragraph (3) of Title III, Chapter XII, Section 2 amended by Article I, Point 54. of Expeditious Ordinance 49/2014)*

4. The decisions of private and confessional universities concerning their management structures and positions, responsibilities and terms of office, as well as other aspects concerning their status may be voided by judgements of the courts of law.

5. In the University Charter, the university may establish honorary positions and consultative bodies comprised of representatives of the business, academic, cultural and professional communities.

► (*on 30-Jun-2014 Article 227, Paragraph (3) of Title III, Chapter XII, Section 2 supplemented by Article I, Point 55. of Expeditious Ordinance 49/2014)*

SECTION 3: Establishment of Private Higher Educational Institutions and Private Higher Confessional Educational Institutions

Article 228

1. A private higher educational and higher confessional educational institution must follow all the temporary authorization and accreditation procedures stipulated by this law.

2. Private higher educational and higher confessional educational institutions are accredited in compliance with the law, initiated by the Government, at the proposal of the Ministry of Education, Research, Youth, and Sports.

3. The legal operation period of accredited universities shall be recognized.

SECTION 4: Assets of Private Higher Educational Institutions and Private Higher Confessional Educational Institutions

Article 229

1. The assets of private higher educational institutions and private higher confessional educational institutions consist of the initial assets of the founders, to which the assets subsequently acquired are added.

2. Private higher educational institutions and private higher confessional educational institutions, during their existence, dispose of the assets made available for them in compliance with the law.

3. All the decisions concerning the assets of private higher educational institutions and private higher confessional educational institutions are made by the Board of Directors.

SECTION 5: Dissolution of Private Higher Educational Institutions and Private Higher Confessional Educational Institutions

Article 230

1. The dissolution or liquidation of private higher educational institutions and private higher confessional educational institutions is made in compliance with the law. Founders may have the initiative to dissolute their private higher educational institutions and private higher confessional educational institutions.
2. If private higher educational institutions and private higher confessional educational institutions are dissolved, or liquidated their assets shall become the founders' property.
3. The dissolution of private universities will be made while protecting their students' interests.

SECTION 6: Financing Private Higher Educational Institutions and Private Higher Confessional Educational Institutions

Article 231

1. The financing sources of private higher educational institutions and private higher confessional educational institutions include:
    a) the amounts contributed by their founders;
    b) the tuition fee and other educational fees;
    c) sponsorships, donations, grants, financing granted on a competitive basis, exploitation of the research, development and innovation sources, and other legal sources.