

MINISTRY OF SCIENCE, TECHNOLOGY AND HIGHER EDUCATION

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

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

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

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

The creation of conditions for all citizens to have access to lifelong learning, altering the conditions of access to higher education for those that did not choose to start it at the reference age. Higher education institutions started to have the responsibility of selecting them and creating conditions for the recognition of their professional experience;

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

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

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

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

Higher education academic degrees and diplomas (title II);

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

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

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

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

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

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

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

The definition of objectives for each of the cycles of studies vis-à-vis the competences that must be acquired, adopting the results of the collective work carried out in Europe and concretised in the Dublin descriptors, without ever forgetting that the transition from an education system based on the transmission of knowledge to a system based on the development of student competences is a core issue in Europe, and particularly in Portugal;

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

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

For some professions, not many, a longer training period is internationally demanded, which will correspond to four, five or six school years.

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

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

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

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

Pursuant to the amendments introduced to the Framework Law on Higher Education Financing by Law No. 49/2005, of 30 August, the present decree-law also regulates the way to

determine the fees due for the enrolment in the cycle of studies that leads to the master degree in public institutions, establishing that, when its conjugation with a cycle of studies that leads to the degree of *licenciado* is indispensable for the professional practice, its value is established following the same principles provided in the law for *licenciatura* courses pursuant to the understanding explicitly stated by the Government when it approved the amendments to the Framework Law on Education.

In the definition of the objectives and conditions for the attribution of each academic degree the specificities of the different areas, namely the artistic area, were taken into consideration. This is, however, an area on which we must reflect deeply, starting now and aiming at the creation of the most favourable conditions for its development within the framework of higher education, similarly to what has happened in other countries.

Chapter V establishes the general rules regarding training in higher education that does not confer a degree.

Chapter VI establishes the faculty of association of national or foreign higher education institutions for the joint realization of cycles of studies, and establishes the rules for the attribution of degrees or diplomas within that framework, explicitly foreseeing the possibility of attributing joint diplomas. Thus, a juridical framework is established for the development of network education projects and for the development of international partnerships, which generates synergies between the institutions and optimizes existing resources.

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

Finally, chapter VIII introduces a set of innovative dispositions, among which the obligation of legal deposit of digital versions of master and doctorate dissertations and theses at the National Library and Observatory of Science and Higher Education, the express authorization to use foreign languages in classes and in the elaboration and discussion of dissertations and theses, and the usage of teleconference for preparatory meetings of the juries.

Title III establishes the general principles to which the accreditation of the cycles of studies is subject, a condition which is indispensable for their working.

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

It is equally made clear that, although the accreditation is essential for the state to finance the cycles of studies in public education, it is not the only condition, since the financing obviously depends on the order of the higher education network under the framework of the legal regime in force.

Title IV defines the rules that shall be applied to the reorganization of already existing courses.

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

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

Ensuring that the training path is oriented towards specific outcomes following the cycles of studies of the university or polytechnic subsystem;

Guaranteeing that Portuguese students have training and professional integration conditions that are similar in terms of length and content to other European States by adopting a number of credits for each training area and accordingly a specific course length which is not different from other European higher education institutions of reference in the same areas;

The determination of the students' workload for every curricular unit namely including where applicable collective education sessions, personal tutorial sessions, traineeships, projects, field work, study and evaluation – and its expression in terms of credits according to the European Credit Transfer and Accumulation System, as well as surveying the opinions of students and the teaching staff;

Establishing the total number of credits, and consequently the cycle of studies' length, within the amounts foreseen and according to the criteria established by the present decree-law.

The entry into force of the adequacy of existing courses is subject to a registration procedure that falls within the responsibility of the Directorate-General of Higher Education and which aims exclusively at accurately checking the realization of the adequate procedures pursuant to the law.

To support the Directorate-General of Higher Education in this matter, an accompaniment commission for the reorganization process shall be formed, composed of representatives of the Board of Directors, the higher education institutions of the different subsystems, the higher education student unions and other people that shall be appointed by the Minister of Science, Technology and Higher Education.

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

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

Identifying the competences, developing the adequate methodologies for their accomplishment, implementing the new model – these are the challenges which the higher education institutions must face.

Pursuant to what was agreed at the Conference of European Ministers on the Bologna Agreement that took place in Bergen in 2005, the generalized adoption of this model of cycles of studies shall be implemented before 2010. With this in mind, the diploma establishes that the adequacy must be fully carried out by the end of the school year 2008-2009, so that in the year 2009-2010 all the cycles of studies are organized according to the new model.

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

For those that have already performed all the necessary work for the adoption of the new training model, deadlines were established to allow them to initiate the transition into the new model already in the school year 2006-2007 or 2007-2008.

Throughout this whole process the active engagement of students and teaching staff is expressly foreseen through the participation of the management bodies in which they are represented, namely the scientific and pedagogical councils, and of other forms of consultation.

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

Chapter IV of this title establishes the general principles for curricular transition stating that after the reorganization of each course the higher education institutions shall ensure the integration of students in a period as brief as possible, so that the coexistence between the new organization of studies and the previous one, if foreseen in the transitional rules, does not exceed a school year, although it may exceptionally be extended for an extra year. This measure intends to prevent the coexistence of the two education models at the same time for a long period of time, which would imply irrationality and wastage of resources.

Title V establishes the rules for the creation of new cycles of studies in the transitory period that will take place until the entry into force of the accreditation agency. This process will not be subject to changes except regarding the way to formalise requests, where, similarly to

what happens in a process of reorganization of the old courses, the requests shall be proceeded by the demonstration of the satisfaction of the new requirements established by the diploma. Regarding private and cooperative education, in line with what had been requested by the institutions, a process of simplification and debureaucratisation shall be initiated within the framework of the accreditation process, through the intervention of commissions of experts according to training areas.

Title VI establishes the rules to adopt for the record of changes, namely any changes in the study programmes, putting an end to the anachronistic system that demanded their approval by order in council, both in public polytechnic education and in private education. Currently, each higher education institution – universities or polytechnics, public or private institutions – shall approve and implement all the changes to the study programmes after communicating them to Directorate-General of Higher Education that will simply record those changes, which shall only be refused in case of manifest illegality.

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

Thus:

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

Academic degrees and higher education diplomas

TITLE I

Object, scope and concepts

Article 1

Object

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

Article 2

Scope

1 – The present decree-law is applicable to every higher education institution.

2 – The application of the principles stated in the present decree-law to military and police higher education institutions is made in a specific diploma.

Article 3

Concepts

For the purposes of the present decree-law, these terms shall have the following meanings:

- a) «Curricular unit» is an education unit with its own training objectives, which is subject to administrative enrolment and assessment converted into a final classification;
- b) «Study programmes of a course» are the organized sets of curricular units in which a student must be approved to:
 - i) Obtain a certain academic degree;
 - ii) Conclude a course that does not confer a degree;
 - iii) Have part of the conditions for the attribution of a certain academic degree;
- c) «Normal length of a cycle of studies» is the number of school years, semesters or terms in which the cycle of studies must be carried out by the student, when studying full time and attending regular classes;
- d) «Credit» is the unit of measure of the work of the student under all its forms, namely collective education sessions, personal tutorial sessions, traineeships, projects, field work, study and evaluation pursuant to Decree-Law No. 42/2005, of 22 February;
- e) «Access conditions» are the general conditions that must be met to require the admission to a cycle of studies;
- f) «Entrance conditions» are the specific conditions that must be met to require the admission to a specific cycle of studies in a certain higher education institution.

TITLE II

Academic degrees and higher education diplomas

CHAPTER I

General dispositions

Article 4

Academic degrees

1 – Polytechnic higher education institutions confer the degrees of *licenciado* and master.

2 – Universities confer the degrees of *licenciado*, master and doctor.

CHAPTER II

***Licenciatura* course**

Article 5

Licenciado degree

The *licenciado* degree is conferred to the students that have demonstrated:

- a) To possess knowledge and understanding capacity in a training area in such a level that:
 - i) Based on the knowledge acquired in the secondary education they may develop and expand it;
 - ii) They can work with advanced learning materials and correspond to them;
 - iii) They have state-of-the-art knowledge in some domains of that area;
- b) To know how to apply acquired knowledge and understanding capacity in order to clearly demonstrate a professional approach to the work carried out in their vocational area;
- c) Capacity to solve problems under the scope of their training area, based on their own arguments;
- d) Capacity to collect, select, and interpret relevant information, particularly in their training area, which will enable them to ground the solutions they present and the opinions they issue, including the analysis of relevant social, scientific and ethical aspects;
- e) Competences that enable them to communicate information, ideas, problems and solutions, both to experts and non-experts;
- f) Learning competences that will enable them to benefit from lifelong learning with a high degree of autonomy.

Article 6

Attribution of the *licenciado* degree

1 – The training areas in which each higher education institution confers the degree of *licenciado* are established by their legal and statutorily competent body.

2 – The degree of *licenciado* in a certain training area may only be conferred by the higher education institutions that:

- a) Have their own teaching staff qualified in that area and adequate in terms of number, whose majority is composed of doctors or experts of recognized experience and professional competence;
- b) Have the human and material resources that are indispensable to guarantee the level and quality of the acquired training.

3 – The verification of the satisfaction of the requirements referred to in the previous number is made within the scope of the accreditation process.

Article 7

Access and entry in the cycle of studies that leads to the *licenciado* degree

The access and entry in the cycle of studies that leads to the *licenciado* degree is regulated by specific diplomas.

Article 8

Cycles of studies that lead to the degree of *licenciado* in polytechnic education

1 – In polytechnic education, the cycle of studies that leads to the *licenciado* degree has 180 credits and a normal length of six curricular semesters of students' work.

2 – In very specific cases, whose access to professional practice depends on a longer training path, the *licenciatura* course can have up to 240 credits, with a normal length of up to seven or eight curricular semesters, following express national or European legal regulations or a consolidated practice in higher education institutions of reference in the European space.

3 – In the polytechnic education, the cycle of studies that leads to the degree of *licenciado* must value particularly training actions targeted at the practice of a professional activity, ensuring a component of application of the knowledge acquired to the actual activities of the respective professional profile.

Article 9

Cycles of studies that lead to the degree of *licenciado* in university education

1 – In university education, the cycle of studies that leads to the degree of *licenciado* has from 180 to 240 credits and a normal length between six and eight curricular semesters of students' work.

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

Article 10

Structure of the cycle of studies that leads to the degree of *licenciado*

The cycle of studies that leads to the degree of *licenciado* is composed of an organized set of curricular units named *licenciatura* course.

Article 11

Conferring the degree of *licenciado*

The degree of *licenciado* is conferred to those that, after concluding all the curricular units that integrate the study programme of the *licenciatura* course, have obtained the established number of credits.

Article 12

Final classification of the degree of *licenciado*

1 – The degree of *licenciado* shall have a final classification between 10 and 20 on a numerical scale of 0 to 20, as well as its equivalent in the European scale of comparability of classifications.

2 – The final classification is the arithmetic weighted average of the classifications obtained in the curricular units that make part of the study programmes of the *licenciatura* course.

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

4 – The final classification is attributed by the legal and statutorily competent body of the higher education institution.

Article 13

Title of *licenciado* degree

1 - The title of *licenciado* degree is conferred by means of a course letter issued by the legal and statutorily competent body in the higher education institution.

2 – The issuing of the course letter, as well as its respective certificates, is accompanied by the issuing of a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February.

Article 14

Regulating standards for the *licenciado* degree

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

- a) Specific entrance conditions;
- b) Working conditions;

- c) Curricular structure, study programmes and credits pursuant to the technical guidelines referred to in article 12 of Decree-Law No. 42/2005, of 22 February;
- d) Knowledge assessment;
- e) Precedence regime;
- f) Prescription regime regarding the right to enrol, taking into consideration what is foreseen for this subject in Law No. 37/2003, of 22 August, in the case of public institutions;
- g) Weighting coefficients and procedures for the calculation of the final classification;
- h) Deadlines for the issuing of the course letter and its certificates and the supplement to the diploma;
- i) Accompanying procedures of the pedagogical and scientific bodies.

CHAPTER III

Master

Article 15

Master degree

1 – The master degree is conferred to those that demonstrate:

- a) To possess such knowledge and understanding capacity that:
 - i) Based on the knowledge obtained in the first cycle, they manage to develop and expand it;
 - ii) They manage to develop and apply that knowledge to original situations often in the context of investigation;
- b) To know how to apply their knowledge and understanding and problem solving capacity to new and unfamiliar situations in wide multidisciplinary situations, although related to their area of studies;
- c) Capacity to integrate knowledge, deal with complex matters, develop solutions or issue opinions on situations of limited or incomplete information, including reflections on the implications and ethical and social responsibilities that result from those solutions and those opinions or that condition them;
- d) Be capable of communicating their conclusions and the knowledge and reasoning that underlie them, both to experts and non-experts clearly and unambiguously;
- e) Learning competences that will enable them to benefit from self-oriented or autonomous lifelong learning.

2 – The degree of master is conferred in a specialty and whenever necessary specialties may be split into specialized areas.

Article 16

Attribution of the master degree

1 – The training areas in which each higher education institution confers the degree of master are established by their legal and statutorily competent body.

2 – The degree of master in a certain training area may only be conferred by the higher education institutions that in the scientific areas that comprise that degree:

- a) Have their own teaching staff qualified in that area and adequate in terms of number, whose majority is composed of doctors or experts of recognized experience and professional competence;
- b) Have the human and material resources that are indispensable to guarantee the level and quality of the acquired training.
- c) Develop highly regarded training, research or professional activities.

3 – The verification of the satisfaction of the requirements referred to in the previous number is made within the scope of the accreditation process.

Article 17

Access and entry in the cycle of studies that leads to the master degree

1 – Those who meet any of the following conditions may apply to the cycle of studies that leads to the master degree:

- a) Holders of the *licenciado* degree or legal equivalent;
- b) Holders of a foreign academic degree conferred following a 1st cycle of studies organized according to the principles of the Bologna Process by a State that has adhered to this Process;
- c) Holders of a foreign higher education academic degree that is recognized as meeting the objectives of the *licenciado* degree by the statutorily competent scientific body of the higher education institution where they wish to be admitted;
- d) Holders of an academic, scientific or professional *curriculum vitae* that is recognized as attesting the capacity to carry out this cycle of studies by the statutorily competent scientific body of the higher education institution to which they wish to be admitted.

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

3 – The recognition to which paragraphs b) and d) of No. 1 implies solely the access to the cycle of studies that leads to the degree of master and does not confer to its holder the equivalence of the *licenciado* degree or the recognition of that degree.

Article 18

Cycle of studies that leads to the master degree

1 – The cycle of studies that leads to the master degree has from 90 to 120 credits and a normal length of between three to four curricular semesters of students' work.

2 – Exceptionally and without prejudice to the satisfaction of all the requirements related with the characterization of the aims of the degree and the conditions to obtain it, the cycle of studies that leads to the degree of master in a specialty may have 60 credits and a normal length of two curricular semesters of work following a stable and internationally consolidated practice in that specialty.

3 – In university education, the cycle of studies that leads to the master degree must ensure that the student acquires an academic specialization resorting to research, innovation or expansion of professional competences.

4 – In polytechnic education, the cycle of studies that leads to the master degree must ensure predominantly that the student acquires a professional specialization.

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

Article 19

Integrated cycle of studies that leads to the master degree

1 – In university education, the master degree may also be conferred after an integrated cycle of studies, with 300 to 360 credits and a normal length of between 10 to 12 curricular semesters of work, in cases for which the access to the practice of a certain professional activity depends on that length of time:

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

2 – The access and entry in the cycle of studies referred to in the previous number is ruled by the norms that are applicable to the access and entry in the cycle of studies that leads to the *licenciado* degree.

3 – In the cycle of studies referred to in No. 1, the *licenciado* degree shall be conferred to those that have accomplished 180 credits, which corresponds to the first six curricular semesters of work.

4 – The *licenciado* degree referred to in the previous number must adopt a name that is not mixable with that of the master degree.

5 – The regulating standards to which article 26 refers must foresee the possibility of holders of a *licenciado* degree in the adequate area to have access to the cycle of studies referred to in No. 1, as well as the transference of credits obtained in the *licenciado* degree into this cycle of studies.

Article 20

Structure of the cycle of studies that leads to the master degree

1 – The cycle of studies that leads to the master degree is composed of:

- a) A specializing course, composed of an organized set of curricular units, named master course, to which corresponds a minimum of 50 per cent of the total number of credits of the cycle of studies;
- b) A scientific dissertation or a project work, original and specifically carried out for this end, or a professional traineeship which will be concluded with a final report according to the specific objectives aimed at under the terms that are established by the respective regulating standards and to which corresponds a minimum of 35 per cent of the total number of credits of the cycle of studies.

2 – The minimum amounts to which No. 1 is referred:

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

Article 21

Advisers

1 – The elaboration of the dissertation or the project work and the realization of the traineeship are advised by a doctorate or by an expert recognized as such by the statutorily competent scientific body of the national or foreign higher education institution.

2 – There may also be a national or foreign co-adviser.

Article 22

Jury of the master

1 – The dissertation, the project work or the traineeship report are subject to appreciation and public discussion by a jury appointed by the legal and statutorily competent body of the higher education institution.

2 – The jury is composed of three to five members, including the adviser or the advisers.

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

4 – The deliberations of the jury are taken by the majority of the members that comprise it, by way of grounded roll call, and abstentions are not allowed.

5 – The proceedings of the meetings shall indicate the votes of each of the members of the jury and the reasons for their opinion, which can be common to all or to some members of the jury.

Article 23

Conferring the degree of master

The degree of master is conferred to those that, after concluding all the curricular units that integrate the study programme of the master course, have obtained the established number of credits, as well as successfully defended in public their dissertation, their project work or their traineeship report.

Article 24

Final classification of the degree of master

1 – The degree of master shall have a final classification between 10 and 20 on a numerical scale of 0 to 20, as well as its equivalent in the European scale of comparability of classifications.

2 – The regulating standards to which article 26 refers establish the formula to calculate the final classification.

Article 25

Title of master

1 - The title of master is conferred by means of a course letter issued by the legal and statutorily competent body in the higher education institution.

2 – The issuing of the course letter, as well as its respective certificates, is accompanied by the issuing of a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February.

Article 26

Regulating standards for the master degree

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

- a) Admission rules for the cycle of studies, especially the academic and curricular conditions, application procedures, selection and ordering criteria, and the process of establishing the vacancies and the deadlines for applications and making them public;
- b) Working conditions;
- c) Curricular structure, study programmes and credits pursuant to the technical guidelines referred to in article 12 of Decree-Law No. 42/2005, of 22 February;
- d) Carrying out the component to which article 20(1-b) refers;
- e) Precedence and knowledge assessment regimes for the master course;
- f) Prescription regime regarding the right to enrol, taking into consideration what is foreseen for this subject in Law No. 37/2003, of 22 August, in the case of public institutions;
- g) Process of appointing the adviser or advisers, conditions for the admission of a co-advisers and rules that must be respected;
- h) Rules for the presentation and delivery of the dissertation, the project work or the traineeship report and its analysis;
- i) Deadlines for the realization of the public act of defence of the dissertation, the project work or the traineeship report;
- j) Rules regarding jury composition, appointment and practices;
- k) Rules for the defence of the dissertation, the project work or the traineeship report;
- l) Process of attribution of the final classification;
- m) Deadlines for the issuing of the course letter and its certificates and the supplement to the diploma;
- n) Accompanying procedures of the pedagogical and scientific bodies.

Article 27

Fees due for the cycle of studies that leads to the master degree in public institutions

1 – The amount of the fees due for the enrolment in the integrated cycle of studies foreseen in article 19 is established under the terms provided for the cycle of studies that leads to the *licenciado* degree in article 16(2) of Law No. 37/2003, of 22 August.

2 – The amount of the fees due for the enrolment in the cycle of studies that leads to the degree of master in public institutions, when its conjugation with a cycle of studies that leads to the degree of *licenciado* is indispensable for the access to the practice of a professional activity, is equally established under the terms foreseen for the cycle of studies that leads to the *licenciado* degree in article 16(2) of Law No. 37/2003 of 22 August.

3 – The amount of the fees due for the enrolment in the cycle of studies that leads to the master degree in a public institution in the remaining cases is established by the bodies referred to in article 17 of Law No. 37/2003 of 22 August.

CHAPTER IV

Doctorate

Article 28

Doctorate degree

1 – The doctorate degree is conferred to those that demonstrate:

- a) Systematic understanding capacity in a scientific field;
- b) Competences, skills, and investigation methods associated with a scientific field;
- c) Capacity to conceive, project, adapt and perform significant research respecting the demands imposed by the patterns of academic quality and integrity;
- d) Having carried out a significant set of original research work that has contributed to challenging the borders of knowledge, part of which deserved national or international divulgation in referred publications;
- e) Being capable of critically analyzing, evaluating and synthesizing new and complex ideas;
- f) Being capable of communicating with their peers, the remaining academic community and the society in general about their expert field;
- g) The capacity to promote technological, social or cultural progress in academic or professional terms in a knowledge-based society.

2 – The doctorate degree is conferred in a field of knowledge or in one of its specialties.

Article 29

Attribution of the doctorate degree

1 – The fields of knowledge and specialities in which each higher education institution confers the degree of doctorate are established by their legal and statutorily competent body.

2 – The degree of doctorate in may only be conferred in a given field by the higher education institutions that:

- a) Have their own teaching staff qualified in that area and adequate in terms of number, whose majority is composed of doctors, as well as the human and material resources that are indispensable to guarantee the level and quality of the acquired training.
- b) Demonstrate to have the human and organizational resources in that field that are necessary for research;
- c) Demonstrate to have on their own or due to the participation or collaboration of their teaching staff and researchers with certain scientific institutions an accumulated experience of research that has been evaluated and materialised in relevant scientific and academic production in that field.

3 – The verification of the satisfaction of the requirements referred to in the previous number is made within the scope of the accreditation process.

Article 30

Access and entry in the cycle of studies that leads to the doctorate degree

1 – Those who meet any of the following conditions may apply to the cycle of studies that leads to the doctorate degree:

- a) Holders of the master degree or legal equivalent;
- b) Holders of a *licenciado* degree who have a particularly relevant academic or scientific curriculum vitae that is recognized as attesting the capacity to carry out this cycle of studies by the statutorily competent scientific body of the higher education institution to which they wish to be admitted.
- c) Holders of an academic, scientific or professional curriculum vitae that is recognized as attesting the capacity to carry out this cycle of studies by the statutorily competent scientific body of the higher education institution to which they wish to be admitted.

2 – The regulating standards to which article 38 refers establish the specific rules for the entry in this cycle of studies.

3 – The recognition to which paragraphs b) and c) of No. 1 implies solely the access to the cycle of studies that leads to the degree of doctorate and does not confer to its holder the equivalence of the *licenciado* or master degree or the recognition of that degree.

Article 31

Cycle of studies that leads to the doctorate degree

The cycle of studies that leads to the doctorate degree is composed of:

- a) An original thesis specially written for this end which is adequate to the nature of the field of knowledge or specialty;
- b) The possible realization of curricular units aimed at research training called doctorate course whenever the respective regulating standards foresee that.

Article 32

Registration of ongoing doctorate theses

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

Article 33

Special regime for the presentation of thesis

1 – Those who meet the required conditions to have access to the cycle of studies that leads to the doctorate degree may request the presentation of a thesis to the public act of defence without enrolling in the cycle of studies to which article 31 refers, and without the adviser to which article 38(c) refers.

2 – The legal and statutorily competent scientific body of the university shall decide on the request, after analyzing the applicant's curriculum vitae and the adequacy of the thesis to the purposes of the doctorate degree pursuant to article 28.

Article 34

Jury of the doctorate

1 – The thesis shall be analyzed and publicly discussed by a jury appointed by the legal and statutorily competent body of the higher education institution.

2 – The jury of the doctorate is composed of:

- a) The Rector, who presides over the jury, or anyone on whom the Rector delegates the authority for that end;
- b) A minimum of three doctors;
- c) The adviser or advisers when applicable.

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

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

5 – The jury shall include at least three professors or researchers in the scientific domain of the thesis.

6 – The deliberations of the jury are taken by the majority of the members that comprise it, by way of grounded roll call, and abstentions are not allowed.

7 – The proceedings of the meetings shall indicate the votes of each member of the jury and the reasons for their opinion, which can be common to all or to some members of the jury.

Article 35

Conferring the doctorate degree

The degree of doctorate is conferred to those that have successfully defended their thesis in the public act.

Article 36

Final classification of the doctorate degree

1 – The academic degree of doctor is assigned a final classification pursuant to the regulating standards approved by the university that confers it.

2 – The classification is assigned by the jury to which article 34 refers, taking into consideration the classifications obtained in the curricular units of the doctorate course, whenever there is one, and the merit of the thesis analysed in the public act.

Article 37

Title of doctor

1 - The title of doctor is conferred by means of a course letter issued by the legal and statutorily competent body in the higher education institution.

2 – The issuing of the course letter, as well as its respective certificates, is accompanied by the issuing of a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February.

Article 38

Regulating standards for the doctorate degree

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

- a) Admission rules for the cycle of studies, especially the academic and curricular conditions, application procedures and selection criteria;

- b) The existence of a doctorate course and, when applicable, its respective curricular structure, study programme and credits, taking into considerations the provisions of Decree-Law No. 42/2005, of 22 February, and its regulating standards;
- c) Process of appointing the adviser or advisers, conditions for the admission of a co-advisers and rules that must be respected;
- d) Registration of the topic of the thesis;
- e) Conditions for the elaboration of the thesis;
- f) Rules for the presentation and delivery of the thesis and its analysis;
- g) Deadlines for the realization of the public act of defence of the dissertation, the project work or the traineeship report;
- h) Rules regarding jury composition, appointment and practices;
- i) Rules regarding the thesis defence;
- j) Process of attribution of the final classification;
- k) Deadlines for the issuing of the doctorate letter and its certificates and the supplement to the diploma;
- l) Accompanying procedures of the pedagogical and scientific bodies.

CHAPTER V

Higher education diplomas

Article 39

Diplomas that may be conferred

1 – Higher education institutions may confer diplomas namely for:

- a) The realization of at least 120 credits part of a *licenciatura* course;
- b) The conclusion of a master course of at least 60 credits;
- c) The conclusion of a doctorate course;
- d) The realization of other courses that do not confer an academic degree.

2 – The names of the diplomas to which the previous number refers may not be confounded with the names of the corresponding academic degrees whenever there is any.

Article 40

Title of the diplomas

1 - The diplomas to which the previous article refers are conferred by means of a document issued by the legal and statutorily competent body of the higher education institution.

2 – The issuing of the document to which the previous number refers is accompanied by the issuing of a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February.

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

CHAPTER VI

Attribution of degrees and diplomas in association

Article 41

Object of the association

1 – The higher education institutions may associate with other national or foreign higher education institutions for the realization of cycles of studies that lead to the degrees and diplomas referred to in the previous chapters.

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

Article 42

Attribution of the degree or diploma

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

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

Article 43

Title of the degree or diploma

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

2 – In the case of paragraph c) of the previous article, the degree or diploma is conferred via a sole document subscribed by the legal and statutorily competent bodies of all the institutions involved.

3 – The issuing of the documents to which the previous numbers refer is accompanied by the issuing of a supplement to the diploma pursuant to Decree-Law No. 42/2005, of 22 February, by the Portuguese higher education institution.

CHAPTER VII

Mobility

Article 44

Guarantee of mobility

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

Article 45

Credits

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

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

2 – The process of assigning credits has to take into consideration the level of the credits and the scientific area in which they were obtained.

3 – The procedures that shall be adopted when assigning credits are established by the legal and statutorily competent bodies of the higher education institutions.

CHAPTER VIII

Other dispositions

Article 46

Enrolment in curricular units of subsequent cycles of studies

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

2 – The curricular units to which the previous number is referred:

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

Article 47

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

For the effects of the present decree-law, assistant-professors and coordinating-professors members of staff of polytechnic higher education institutions recruited via a competition based on public tests pursuant to the Status of the Career of Polytechnic Higher Education Members of Staff, approved of by Decree-Law No. 185/81, of 1 July, and amended by Decree-Law No. 69/88, of 3 March, are considered, among others, «experts with recognized experience and professional practice».

Article 48

Rules applicable to jury practices

1 – The practices of the jury which articles 22 and 34 refer are regulated as provided in the Code of Administrative Procedure in everything that is not foreseen in the present decree-law.

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

Article 49

Letters and diplomas

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

2 – The documents to which the previous number refers may be plurilingual.

Article 50

Legal deposit

1 – Master dissertations and doctorate theses are subject to:

- a) Legal deposit of a paper copy and a digital copy at the National Library;
- b) Deposit of a digital copy at the Observatory of Science and Higher Education.

2 – The deposits referred to in the previous number shall be conducted by the higher education institution that conferred the degree.

Article 51

Foreign languages

The higher education institutions may foresee the usage of foreign languages:

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

TITLE III

Accreditation and entry into force of the cycles of studies

Article 52

Accreditation

- 1 – The accreditation of a cycle of studies consists on the verification of the fulfilment of the requirements demanded for its creation and operation.
- 2 – The accreditation process encompasses every higher education institution and every cycle of studies.

Article 53

Accreditation agency

- 1 – The accreditation is carried out within the framework of the European system for quality assurance in higher education, and it shall be performed by an accreditation agency that shall be created and regulated by a specific diploma, and it shall be carried out as provided in that diploma.
- 2 – The accreditation agency shall have scientific and technical autonomy.
- 3 – The accreditation agency shall work together with the higher education institutions, the professional associations and other relevant entities.
- 4 – The accreditation shall be carried out respecting the scientific and pedagogical autonomy of the higher education institutions as provided in the diploma referred to in No. 1.

Article 54

Entry into force of a cycle of studies

- 1 – The entry into force at a higher education institution of a cycle of studies that leads to the degree of *licenciado*, master or doctor shall be previously accredited without prejudice to the provisions laid down on the following article.

2 – The accreditation of a cycle of studies implies the recognition of the degree or degrees conferred.

Article 55

Accreditation modalities

1 – The previous accreditation of a cycle of studies at a higher education institution shall be usually conferred through the accreditation of the higher education institution for that end.

2 – The accreditation of a higher education institution for the ends to which the previous number refers is conferred for a given period of time for one or more training areas and for the cycles of studies that lead to one or more academic degrees.

Article 56

Financing

1 – The accreditation of a cycle of studies taught at a higher education institution does not necessarily imply its public financing.

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

Article 57

Accreditation requirements

1 – To be accredited, a cycle of studies must have the following general requirements:

- a) Its own educational, scientific and cultural project, adequate to the purposes established for that cycle of studies:
- b) Its own teaching staff composed of people that are qualified in that area and adequate in terms of number;
- c) The human and material resources that are essential to guarantee the level and quality of training, namely classrooms and halls, equipment, libraries and adequate laboratories.

2 – The following items are special requirements for the accreditation of a cycle of studies that leads to the master degree in a given specialty:

- a) The teaching staff that ensures its functioning shall be mostly composed of holders of a doctorate degree or experts with recognized professional experience and competence in the scientific areas that make part of that specialty;

- b) The education institution shall be renowned for its training activities, or for its research or professional development in the scientific areas that integrate that specialty.

3 – The following are special requirements for the accreditation of a cycle of studies that leads to the doctorate degree in a specific field of knowledge or specialty:

- a) The existence of human and organizational resources that are necessary to carry out research in the scientific areas that make part of that field of knowledge or specialty;
- b) The teaching staff that ensures its functioning shall be mostly composed of holders of a doctorate degree in the scientific areas that make part of that field of knowledge or specialty;
- c) The university shall have an accumulated experience of research that has been evaluated and materialised in relevant scientific and academic production in that field, either on its own or due to the participation or collaboration of its teaching staff and researchers with certain scientific institutions.

Article 58

Non-transmissibility

The accreditation shall not be transmissible.

Article 59

Validity

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

Article 60

Cancellation of the accreditation

1 – The non-abidance by the legal requirements or the statutory dispositions and the non-observance of the scientific and pedagogical criteria that justified the accreditation determine its cancellation, after previous audience of the interested institution.

2 - In the situation foreseen in the previous number the deadlines for the cancellation of the cycle shall be established and the measures to safeguard the expectations of the students that have enrolled in it shall be indicated.

TITLE IV

Adequacy of the cycles of studies

CHAPTER I

General principles

Article 61

Adequacy

1 – The higher education institutions must promote the adequacy of the courses that they teach and the degrees that they are authorized to confer to the juridical regime established by the present decree-law.

2 – The adequacy process is aimed at reorganizing each ongoing cycle of studies and is materialised by:

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

3 – The adequacy must be carried out until the end of the school year 2008-2009, inclusively, and it must count obligatorily on the participation of the teaching staff and students, namely through the scientific and pedagogical bodies of the education institution or the organic unity depending on the case.

4 – In the school year of 2009-2010, every cycle of studies must be organized according to the juridical regime established by the present decree-law.

CHAPTER II

Registration

Article 62

Registration of the adequacy of the cycles of studies

1 – The entry into force of the adequacy to which the previous number refers is subject to registration.

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

Article 63

Instruction of the adequacy registration processes

1 – The request for the adequacy of a cycle of studies is directed to the Director-General of Higher Education who controls the abidance by the applicable legal standards.

2 – The registration process is instructed when a report subscribed by the scientific and pedagogical bodies of the higher education institution or of the organic unit, depending on the case, containing namely:

- a) The indication of the ongoing cycles of studies that are subject to the adequacy;
- b) The objectives of the cycle of studies;
- c) The basis for the number of credits that, based on the students' estimated workload, are attributed to each curricular unit, including the surveys carried out with that end in mind stating the opinions of teachers and students;
- d) The basis for the total number of credits and the consequent length of the cycle of studies pursuant to articles 8(1) and 8(2), article 9, article 18(1) and 18(2) and article 19(1) depending on the case.
- e) The demonstration of the adequacy of the organization of the cycle of studies and teaching methodologies:
 - i) To the acquisition of competences referred to in articles 5, 15 and 28 depending on the case.
 - ii) The objectives set by article 8(3), and articles 18(3) and 18(4) depending on the case.
- f) A comparative analysis between the organization of the cycle of studies and the organization of other European courses of reference with similar objectives;
- g) How the results of the external evaluation were incorporated into the organization of the cycle of studies.

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

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

5 – The Minister of Science, Technology and Higher Education, on proposal of the Director-General of Higher Education, and after hearing the Council of Rectors of Portuguese Universities, the Coordinating Council for Higher Polytechnic Institutes and the Portuguese Association of Private Higher Education, shall approve by ministerial regulation to be published on the 2nd series of the *Diário da República* (Official Gazette) the technical rules, the deadlines and a standardized instrument to instruct the requests for the registration of adequacy.

6 – The requests that are not formally instructed according to the provisions laid down in the previous numbers shall be immediately considered inadmissible.

Article 64

Notification and publication of the regulation of the registration of adequacy

1 – The decision on the request for registrations of adequacy shall be stated within 45 working days after its reception.

2 – The registration request is refused in case of violation of the applicable legal and regulating standards.

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

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

5 – The Director-General of Higher Education shall send the ministerial regulation for publication in the 2nd series of the *Diário da República* (Official Gazette) communicating it to the interesting parties.

CHAPTER III

Accompaniment

Article 65

Creation and competences

By regulation of the Minister of Science, Technology and Higher Education, an accompaniment committee shall be created and regulated to accompany the process of adequacy, and shall have the following competences:

- a) Accompany the execution of the process of adequacy of the courses;
- b) Elaborating an annual report on the process;
- c) Issuing an opinion on generic or specific matters related with the adequacy process.

CHAPTER IV

Transition

Article 66

Curricular transition

1 – The rules that govern the transition between the former organization of studies and the new one that derives from the adequacy of the course are established by the legal and statutorily competent bodies after hearing the teaching staff and students through the scientific and pedagogical bodies of the higher education institution or the organic unit depending on the case.

2 – The rules for the transition must ensure:

- a) The respect for the legitimate expectations of the students;
- b) The necessary credit regimes in the new organization of studies regarding the training obtained in the previous organization;
- c) That from its application does not result any increase in the number of hours foreseen in the previous organization.

3 – The coexistence between the new organization of studies and the old one, when foreseen in the transition rules, must not exceed a school year, although it may exceptional and justifiably be prolonged for an extra one.

TITLE V

New cycles of studies

CHAPTER I

Legal dispositions

Article 67

Applicable regimes

Until the creation and entry into force of the accreditation agency, and without prejudice to the provisions of the following article, the entry into force of the new *licenciaturas*, master and doctorate degrees is subject to:

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

Article 68

Instruction of the process

1 – The processes that refer to the entry into force of the new *licenciaturas*, master and doctorate degrees shall be sent to the Directorate-General of Higher Education, instructed with:

a) A report, subscribed by the scientific legal and statutorily competent body of the higher education institution:

i) Describing and providing the basis for the objectives of the cycle of studies, its organization and the adequacy of the human and material resources to the scientific and pedagogical demands and to the quality of teaching;

ii) Explaining the place of the cycle of studies in the national training network and respective area and making clear the reasons for its creation, in case of public higher education institutions;

b) The curricular structure, the study programmes and the credits, pursuant to the technical norms to which article 12 of Decree-Law No. 42/2005, of 22 February, refers;

c) The basis for the number of credits that, based on the students' estimated workload, are attributed to each curricular unit, including the surveys carried out with that end in mind stating the opinions of teachers and students;

d) The basis for the total number of credits and the consequent length of the cycle of studies pursuant to articles 8(1) and 8(2), article 9, article 18(1) and 18(2) and article 19(1) depending on the case;

e) The demonstration of the adequacy of the organization of the cycle of studies and teaching methodologies:

i) To the acquisition of competences referred to in articles 5, 15 and 28 depending on the case.

ii) The objectives set by article 8(3), and articles 18(3) and 18(4) depending on the case.

f) A comparative analysis between the organization of the cycle of studies and the organization of other European courses of reference with similar objectives.

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

3 – The Minister of Science, Technology and Higher Education, on proposal of the Director-General of Higher Education, and after hearing the Council of Rectors of Portuguese Universities, the Coordinating Council for Higher Polytechnic Institutes and the Portuguese Association of Private Higher Education, shall approve by ministerial regulation to be published on the 2nd series

of the *Diário da República* (Official Gazette) the technical rules, the deadlines and a standardized instrument to instruct the requests for the registration of adequacy.

4 – The requests that are not formally instructed according to the provisions laid down in the previous numbers shall be immediately considered inadmissible.

CHAPTER II

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

Article 69

Authorization of operation of new cycles of studies

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

2 – The competence to which the previous number refers may be delegated on the Director-General of Higher Education.

Article 70

Expert committees

1 – Expert committees shall be formed to issue an opinion on the satisfaction of the requirements for the authorization of entry into force of the cycles of studies.

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

3 – The committees are appointed by regulation of the Minister of Science, Technology and Higher Education, on proposal of the Director-General of Higher Education, after hearing the Portuguese Association of Private Higher Education.

4 – The members of the committees are independent in the practice of their activity.

Article 71

Process of analysis of the requests for authorization of operation

1 – The Directorate-General of Higher Education instructs the requests for authorization for the entry into force, verifying the satisfaction of the requirements to which article 57 refers.

2 – The instruction of the registration process is subject to the rules of the Code of Administrative Procedure.

3 – Under the scope of the verification of the satisfaction of the requirements, the Directorate-General of Higher Education listens to the expert committees to which the previous number refers.

Article 72

Decision on the requests for authorization of operation

- 1 – The decision on the requests for authorization of operation is stated within 90 working days after its reception.
- 2 – The operation of a cycle of studies that aims at attributing an academic degree without the previous authorization of the operation implies the non-acceptance of the request.
- 3 – Any courses taught under the terms of the previous number may not be recognized and they are not subject to any equivalence.

Article 73

Publication

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

Article 74

Cancellation of the authorization of operation

- 1 – The non-abidance by the legal requirements or the statutory dispositions and the non-observance of the scientific and pedagogic criteria that justified the authorization of the operation, as well as the changes in the educational project of the cycle of studies, namely through ungrounded changes carried out under the terms of the following chapter determine its cancellation.
- 2 – The decision to cancel the authorization for operation shall be taken by the Minister of Science, Technology and Higher Education on proposal of the Director-General of Higher Education, after hearing the respective expert committee and the interested parties, and it shall be published in the 2nd series of the *Diário da República* (Official Gazette).
- 3 – In the situation foreseen in the previous number the deadlines for the cancellation of the cycle shall be established and the measures to safeguard the expectations of the students that have enrolled in it shall be indicated.

TITLE VI

Changes

Article 75

Regime applicable to changes

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

Article 76

Regime applicable to changes

The changes to which the previous number refers shall be approved of by the legal and statutorily competent bodies of the higher education institutions.

Article 77

Registration of changes

- 1 – The changes are subject to registration.
- 2 – The registration of changes shall be conducted by the Director-General of Higher Education.

Article 78

Instruction of the processes of changes

- 1 – The request for the registration of changes made to a cycle of studies is directed to the Director-General of Higher Education and instructed with the necessary elements to characterize and provide the basis for those changes.
- 2 – The Minister of Science, Technology and Higher Education, on proposal of the Director-General of Higher Education, and after hearing the Council of Rectors of Portuguese Universities, the Coordinating Council for Higher Polytechnic Institutes and the Portuguese Association of Private Higher Education, shall approve by ministerial regulation to be published on the 2nd series of the *Diário da República* (Official Gazette) the technical rules, the deadlines and a standardized instrument to instruct the requests for the registration of adequacy.
- 3 – The requests that are not formally instructed according to the provisions laid down in the previous numbers shall be immediately considered inadmissible.

Article 79

Decision on processes of changes

- 1 – The decision on the processes of changes is stated within 30 working days after their reception.
- 2 – The registration of changes may only be refused when there is the violation of any applicable legal standard.
- 3 – The instruction of the process of changes is subject to the rules of the Code of Administrative Procedure.

4 – If the deadline referred to in No. 1 is not met the request for registration shall be considered tacitly accepted.

Article 80

Notification and publication of the regulation of change

1 – The institution that requested the registration of changes shall be notified of the regulation of acceptance of the registration.

2 – When the institution receives the notification of the acceptance, or if the request has been tacitly accepted pursuant to No. 4 of the previous article, it shall publish those changes in the 2nd series of the *Diário da República* (Official Gazette), which may not be refused or postponed.

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

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

TITLE VII

Final and transitory dispositions

Article 81

Ongoing master and doctorate degrees

For students that have already requested the admission to a master or a doctorate degree the juridical regime in force at the date of the respective request shall be applied.

Article 82

Special deadlines

1 – Higher education institutions that exceptionally intend to request the registration of adequacy, of authorization of entry into force of new trainings and the registration of changes to be implemented in the 2006-2007 school year must send them to the Directorate-General of Higher Education until 31 March, 2006.

2 – The requests for adequacy, authorization of operation of new trainings and registration of changes for the entry into force in the 2007-2008 school year must be submitted to the Directorate-General of Higher Education until 15 November, 2006.

Article 83

Accreditation of ongoing cycles of studies

1 – The ongoing cycles of studies when of the start of the activity of the accreditation agency are subject to the accreditation procedure.

2 – The procedure to which the previous number refers shall be carried out until the end of the school year 2009-2010.

Article 84

Revoking norm

1 – With the entry into force of the present decree-law the following regulations are revoked:

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

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

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

Article 85

Entry into force

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

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

Promulgated on 20 March, 2006.

Let it be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 21 March, 2006.

The Prime Minister, José Sócrates Carvalho Pinto de Sousa.

